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Scottish Parliament

Wednesday 23 June 2021

[The Deputy Presiding Officer opened the meeting at 14:00]

Portfolio Question Time

Finance and Economy

The Deputy Presiding Officer (Annabelle Ewing): Good afternoon, colleagues. The first item of business is portfolio question time.

First, I remind members not to move around the chamber in a non-safe way. Social distancing measures are in place in the chamber and across the Holyrood campus. I ask members to take care to observe those measures, including when entering and exiting the chamber. Please use only the aisles and walkways to access your seat and when moving around the chamber.

The first portfolio for questions is finance and the economy. Questions 3 and 7 are grouped together. I will take supplementaries on those questions after both have been answered. If a member wishes to request a supplementary question, they should press their request-to-speak button or indicate in the chat function by entering R during the relevant question.

Again, I point out that we will get through more questions and answers if we have succinct questions and answers, please.

Land and Buildings Transaction Tax (Revenue 2021-22)

1. Liz Smith (Mid Scotland and Fife) (Con): To ask the Scottish Government what revenue it estimates it will receive from land and buildings transaction tax in 2021-22. (S6O-00049)

The Minister for Public Finance, Planning and Community Wealth (Tom Arthur): The Scottish Fiscal Commission is the independent body responsible for forecasting revenues for the fully devolved taxes. In "Scotland's Economic and Fiscal Forecasts", which was published on 28 January 2021, the SFC forecast that the Scottish Government will receive £586 million in revenue from land and buildings transaction tax in 2021-22.

Liz Smith: I thank the minister for that response. Does he agree that, for many young first-time buyers, in areas where there are very high house prices with many properties over the £250,000 rate at which LBTT kicks in, that tax, on top of other taxes that people pay, is quite prohibitive? Does the Scottish Government have plans to introduce regional schemes in which there

can be more targeted support for aspirational families, or does it have—at least—plans to provide tangible support through mortgage assistance?

Tom Arthur: The Scottish Government provides support through first-time buyer relief, which raises the nil band from £145,000 to £175,000 and means, in effect, that eight out of 10 first-time buyers do not pay any tax.

With regard to a regional scheme, I recognise that that is an area in which the Conservative Party has some interest. I am open to receiving more information on what Liz Smith's proposals would be, but I caution that LBTT is a national tax and that we would have to be cautious about introducing unnecessary complexity into the system by using a localised methodology.

Economic Recovery Support (Fair Work Practices and Climate Obligations)

2. Lorna Slater (Lothian) (Green): To ask the Scottish Government what action it will take to ensure that money invested in economic recovery by way of grants, loans and other funding will support fair work practices and climate obligations for any companies that receive such support. (S6O-00050)

The Minister for Just Transition, Employment and Fair Work (Richard Lochhead): I welcome Lorna Slater to the Parliament.

Fair work is central to our economic recovery and renewal. Through fair work first, we are applying fair work criteria to public sector grants, contracts and other funding wherever it is possible and relevant to do so. We continue to consider how we can use all our levers to support a green recovery, and we expect those who access financial support to publicly align with Scottish Government values, particularly those relating to our climate and environmental ambitions.

Securing the full range of employment powers would enable the Scottish Government to fully implement policies that best meet Scotland's distinct needs, and it would enable us to create more good green jobs with fair work at their heart, and a more prosperous Scotland.

Lorna Slater: In order to support a green recovery, will the minister commit to ensuring that investment money, whether as grants, loans or other funding, will come with conditions to ensure not only that the money goes to businesses that support fair work—I approve of the minister's support of that—but that the support is sustainable for the economy? That could be done by, for example, ensuring that support will go only to companies that pay the living wage, do not use zero-hours contracts or tax havens, and have

plans to achieve emissions that are in line with our national targets, as agreed by Parliament. How would the minister follow that up to ensure that applicable conditions were being met?

Richard Lochhead: I generally agree with the principles that Lorna Slater has outlined. Much of what she says relates to the fair work agenda that the Scottish Government is implementing. As part of our first 100 days commitments, we are reviewing fair work first criteria in order to oppose, for instance, unfair fire-and-rehire tactics and to promote flexible and family-friendly working. We are working with the Poverty Alliance and building a living wage employer accreditation, which was referred to by Lorna Slater, so that we can also introduce a living hours scheme for Scotland in the first 100 days of this new Government.

I assure Lorna Slater that we are exploring every possibility to ensure that our grants and support for businesses and organisations across Scotland are aligned with the values of the Scottish Government and Scottish Parliament.

Paul Sweeney (Glasgow) (Lab): Will the Government commit to making trade union recognition a precondition, for large companies of more than 250 employees, of applying for further Government support?

Richard Lochhead: On the fair work agenda, that issue is already reflected in the principles that we promote as part of our grants and so on. The fair work first criteria have already been applied to £619.8 million-worth of contracts that have been awarded by the Scottish Government.

Employers' relationships with trade unions and workers voices are part of the fair work first and fair work agendas. We are exploring in what further ways we can promote those principles. As a new minister in the portfolio, I am very keen to make sure that I leave no stone unturned.

The Deputy Presiding Officer: Thank you, minister. I think that I promoted you momentarily earlier.

Covid-19 Restrictions (Business Support)

3. **Audrey Nicoll (Aberdeen South and North Kincardine) (SNP):** To ask the Scottish Government what support it will make available to businesses in light of the continuation of the current Covid-19 restrictions. (S6O-00051)

The Cabinet Secretary for Finance and the Economy (Kate Forbes): I welcome Audrey Nicoll to her place and look forward to working with her.

We recognise the impact that deviating from the route map has had on businesses across Scotland—perhaps more so in some areas than others. That is why we have provided additional

financial support to businesses in areas where it has been necessary, unfortunately, to retain restrictions for an additional period.

We will continue to prioritise business support as much as we can within our limited resources, and we will continue to press the United Kingdom Government for additional funding to be made available for businesses, because there have not been additional consequential for business support since the election.

Audrey Nicoll: I know from speaking to many businesses in my constituency that the support that has already been made available by the Scottish Government has been a lifeline. While some restrictions remain in place, understandable concerns have been raised about the United Kingdom Treasury's failure to announce an extension to the furlough scheme, which is due to be scaled back from 1 July. Can the cabinet secretary provide reassurance that she is doing everything that she can do to press the UK Government to extend the furlough scheme, in order to give businesses in Scotland the financial support that is needed until our economy can fully reopen?

Kate Forbes: I agree with Audrey Nicoll. We have consistently called for furlough funding to remain in place for as long as it is needed.

We have been here before. Last October, the Chancellor of the Exchequer reannounced support plans about five times before finally confirming that he would extend furlough. It is essential that the UK Government commits to the furlough scheme.

We have also called on the chancellor to change the rules that require contributions to the cost of the scheme from July, and which currently exclude people who started a new job since 2 March from being furloughed. People who have been required to stop working in order to protect others should be supported as much as possible.

Covid-19 Regulations (Engagement with Business Sector)

7. **Pam Gosal (West Scotland) (Con):** To ask the Scottish Government what engagement it has had with the business sector regarding the current Covid-19 regulations. (S6O-00055)

The Cabinet Secretary for Finance and the Economy (Kate Forbes): I welcome Pam Gosal to the Parliament—I think that this is the first time that we have had an exchange here.

We have engaged extensively with businesses and their representative organisations during the pandemic. I do not think that a single work day has gone by without some form of engagement. Officials have counted that, between March and December 2020, more than 820 engagements

took place. There is a regular weekly programme of engagement with business leaders, including the Confederation of British Industry, the Federation of Small Businesses, the Institute of Directors, Scottish Chambers of Commerce, the Scottish Council for Development and Industry, Scottish Financial Enterprise, the Scottish Retail Consortium, the Scottish Tourism Alliance and Scotland Food & Drink. Immediately after I was sworn in, the first thing that I did was meet that group to discuss a range of priority issues. I also discussed the latest restrictions with those organisations yesterday.

Pam Gosal: One sector that has been complaining bitterly about its current circumstances is that of businesses that provide contact services such as beauty therapy and spa treatments. They have lost out on business restart grants because they are classified as non-essential retail, which is an inaccuracy that needs to be addressed urgently. Will the cabinet secretary agree to ensure that those services are properly reclassified?

Kate Forbes: I think that there is some misunderstanding about the restart scheme. Separately from that, we are one of the only places in the UK that put in place a specific funding stream for mobile close-contact services, to try to reach those in what is a predominantly self-employed sector and provide them with additional support.

In line with the rest of the United Kingdom, we provided the smaller restart grant for businesses that were able to open before others and we reserved the larger restart grant for businesses that restarted later. That remains our position, and I have no intention of changing it.

Willie Rennie (North East Fife) (LD): The cabinet secretary will be aware that people are outside Parliament today lobbying for the travel industry. They cannot understand why, when they have in effect been shut down for months by the restrictions, they have received very little financial support in return. Does the cabinet secretary agree that the level of restrictions should match the level of financial support that the Government makes available?

Kate Forbes: Willie Rennie has been an advocate for the travel industry for a number of months. He will recall that we put in place a specific fund for travel agents as well as for the inbound tour sector and the wider tourism sector that relies on international travel. Again, we were one of the few places that did that. However, I absolutely understand that some sectors are being impacted for longer because of a lack of international travel. I know that, more than anything, the sector wants the restrictions to be

lifted, and we intend to do that on a four-nations basis as far as possible.

In the meantime, providing additional support is challenging, because of a lack of additional consequential funding. However, Ivan McKee, the Minister for Business, Trade, Tourism and Enterprise, has written to the UK Government specifically on the travel industry's need for additional business support and to ask the UK Government to consider whether additional consequentials could be made available to support the sector.

Tess White (North East Scotland) (Con): Today is a day of action at the airports. Sadly, the route from Aberdeen to Manchester is now to close. Is the Government prepared to meet the airports to discuss a plan so that jobs can be saved?

Kate Forbes: Since the pandemic first hit last March, the Cabinet Secretary for Net Zero, Energy and Transport has regularly met the airport sector and the wider aviation sector, and we remain in close contact with them. Again, we were one of the few parts—if not the only part—of the UK to extend non-domestic rates relief to the airport industry in light of the challenges that it faces. We will continue to keep in close contact with the airports. I know that, ultimately, they want the restrictions to be removed. We want to do that on a four-nations basis when it is safe to do so and when we see that the vaccination programme is making good progress across the world.

Town Centres (Economic Recovery)

4. Claire Baker (Mid Scotland and Fife) (Lab): To ask the Scottish Government how it is supporting the economic recovery of town centres. (S6O-00052)

The Minister for Public Finance, Planning and Community Wealth (Tom Arthur): I will shortly set out plans for a Scotland loves local loyalty card scheme and a £10 million Scotland loves local programme to help revitalise town centres that have been hit by the pandemic.

We are working with the Convention of Scottish Local Authorities and partners to respond to the ambitious vision for our town centres and the recommendations to deliver it, which were set out in the recent town centre review report, "A New Future for Scotland's Town Centres". All that is underpinned by our £325 million place-based investment programme, which will accelerate our ambitions for place, 20-minute neighbourhoods and town centre revitalisation.

Claire Baker: Although the pandemic has accelerated it, the collapse of many large retailers in our town centres, including in Kirkcaldy and Dunfermline, was already a feature of high streets

across Scotland. They are owned by private companies and investors, but we need a public sector response to the challenge that we face.

The minister mentioned some projects, but what is there to incentivise the repurposing of large units and to support local authorities in their efforts to invest in changing town centres, which I think will need significant investment? Will the public have a stake in the decisions that impact on their high streets and environment?

Tom Arthur: Claire Baker raises a lot of important points. Those ideas are all live and relate to our response to the town centre review, which is due to be published later in the year. I draw her attention to our retail strategy, which is also due for publication later in the year. Finally, as planning minister, I will lay a draft of national planning framework 4 in Parliament in the autumn.

I am very keen to make sure that all those areas of the portfolio align. In particular, I recognise the point that is implicit in the comment that Claire Baker makes, which is that we need to ensure more community ownership in our town centres. As the minister responsible for social entrepreneurship and employee ownership, I am happy to engage further with Claire Baker and any other member on that area.

Mark Ruskell (Mid Scotland and Fife) (Green): Empty town centre properties are being repurposed into spaces to house artists' studios, venues and workshops, including Fire Station Creative in Dunfermline and Creative Stirling's hub. How has the culture organisations and venues recovery fund directly supported those types of initiatives? What further support can be offered in order to provide a viable future for our town centres?

Tom Arthur: I do not have in front of me detail on the specific question that Mark Ruskell raises, but I am happy to write to him. He raises a very important point: it is absolutely correct that we recognise that we have a duty to support the cultural sector in recovery, but the cultural sector also has a massive role to play in supporting town centres to recover. I am very keen to take that forward with Mark Ruskell and any other interested member.

Kenneth Gibson (Cunninghame North) (SNP): Does the minister agree that high street retailers operate at a severe disadvantage relative to online businesses, for example, with regard to paying rates? Given that taxing online retailers is a reserved matter, is the Scottish Government urging its United Kingdom counterpart to enact such a policy, actively pursuing any revenues that would accrue to Scotland and, ultimately, the devolution of such a power?

Tom Arthur: We recognise the concerns that have been raised regarding a level playing field for all, and the Government is committed to supporting all businesses, including those that deliver online services. For that reason, in our manifesto, we committed to exploring the introduction of a new national digital sales tax, and we will look into that complex area.

Hospitality Sector (Covid-19 Restrictions)

5. **Colin Smyth (South Scotland) (Lab):** To ask the Scottish Government what additional support it will provide to the hospitality sector to mitigate against the impact of the Covid-19 restrictions. (S6O-00053)

The Minister for Business, Trade, Tourism and Enterprise (Ivan McKee): On 2 June, the Cabinet Secretary for Finance and the Economy announced the provision of up to £12 million of additional funding for the 14 local authorities that remain in level 2, should restrictions continue to the end of June, and payments will be processed on a weekly basis. That included £4.5 million for the events and wedding sectors, and up to £7.4 million to support hospitality businesses, with grants of between £350 and £525 per week for businesses in level 2 that are required to modify their operations.

Colin Smyth: The support in the short term to which the minister refers—as well as today's announcement that hospitality premises that show Euros matches that go into extra time can open for a bit longer—will be welcomed by those businesses that receive the support, but it still excludes too many others. Even the lifting of restrictions on 9 August will not be enough for many small hospitality businesses. Does the minister accept that we need a proper recovery plan for small businesses—including hospitality businesses—that covers long-term support and reform of business rates, which penalise hospitality, to help to get those local firms back on their feet?

Ivan McKee: The member will be aware that we are keen to do all that we can to support the sector, and I have met various stakeholder groups in the sector over the past two or three weeks to discuss those very issues. As funds become available through consequentials from the United Kingdom Government, we will of course ensure that the sector is supported to the best of our ability.

As the member rightly identifies, recovery from the pandemic is hugely important. That is why we have a significant focus on our economic transformation strategy, the details of which we are working through at present. The strategy will address those very issues and consider how we build the hospitality sector and sectors across the

economy in order not only to recover from the pandemic, but to transform the economy in Scotland into the economy that we want to see.

Jamie Halcro Johnston (Highlands and Islands) (Con): Although hospitality is now open, it is still facing many restrictions, lower customer footfall and significant barriers to trading. What analysis has the Scottish Government conducted of the levels of operating loss that businesses in the sector are facing? Can he advise me of any Scottish Government analysis of the proportion of that loss that is covered by support grants and loans that the Scottish Government has provided?

Ivan McKee: First, I make it clear that the support that we have provided cannot cover the losses for every business across the sector. As I indicated, we pass on the consequential that come from the UK Government. A total of £3.6 billion has been used to support businesses during the course of the pandemic.

With regard to analysis of the impact on the sector and across the wider economy, I note that we are engaging in discussions with the national services sector, which is best placed to understand the levels of debt that businesses across the economy are suffering. As well as looking at the matter at a macro level across the economy, we are conducting sectoral analysis to understand the differential impacts on specific sectors.

Emma Harper (South Scotland) (SNP): I welcome the First Minister's announcement yesterday regarding changes to the guidance on weddings, which are key to the hospitality sector. I have been contacted by wedding venues in the south of Scotland that have asked whether a specific route map out of Covid-19 can be created for the sector that takes account of the diverse nature of weddings and wedding venues. Will the minister consider that? If it is possible, will he outline a potential timeframe for its establishment?

Ivan McKee: A number of changes were announced yesterday that will benefit the wedding sector. From 28 June, wedding suppliers will no longer be included in the numerical cap, and focused entertainment will be allowed at receptions, provided that all guests are seated. Those have been key asks of the sector, as the member knows. The wedding reception guidance was updated on 22 June to set out clearly what the changes mean for weddings.

When we move beyond level 0, almost all Covid restrictions will be removed for businesses and individuals, which will mean that weddings can take place with dancing and singing, as happened before the pandemic. Some baseline measures will remain, including requirements for good hygiene, surface cleaning and continued

compliance with the test and protect programme. More guidance on those baseline measures will be provided before we move beyond level 0.

Green Employment

6. Maurice Golden (North East Scotland) (Con): To ask the Scottish Government how it is supporting the growth of jobs that will support a greener economy. (S6O-00054)

The Minister for Just Transition, Employment and Fair Work (Richard Lochhead): We are committed to ensuring that our transition to net zero creates new opportunities for people across the country. Our £100 million green jobs fund is supporting green employment and creating opportunities for individuals to retrain and upskill in new and high-growth areas. We are also investing £26 million to develop the energy transition zone in Aberdeen, which is expected to directly support 2,500 green jobs by 2030, alongside a further 10,000 transition-related jobs. We are continuing to deliver on that ambition, which will be key to achieving the changes that we need in order to meet our climate targets and deliver a just transition.

Maurice Golden: I thank the minister for that response. By 2030, at least 60 per cent of North Sea oil and gas platforms will be decommissioned and over 1,500 wind turbines will be at the end of their lives. The Scottish Government's analysis shows that decommissioning could support over 18,000 green jobs. Can the minister confirm that all of that work will be carried out here in Scotland?

Richard Lochhead: The reason why we are creating a £100 million green jobs fund, as well as the energy transition fund, which is already indicating that it will significantly benefit the north-east and Aberdeen, in particular, is that we want Scotland to gain the maximum economic benefit from a just transition between now and 2045 or, as Maurice Golden says, between now and 2030. I am confident that we will create a lot more green jobs for Scotland. It will require a Herculean effort but, for the sake of the planet, Scotland's economy and our people, we will make substantial progress. We have to work collaboratively with the local agencies and all the academic and other institutions in Aberdeen, which I am sure that we will do.

The Deputy Presiding Officer: Question 8 is from Jackson Carlaw.

Jackson Carlaw (Eastwood) (Con): I thought that you were going to say that time was up, Presiding Officer.

The Deputy Presiding Officer: I have squeezed you in.

United Kingdom-Australia Free Trade Agreement (Whisky)

8. Jackson Carlaw (Eastwood) (Con): To ask the Scottish Government what its response is to the announcement that the United Kingdom-Australia free trade agreement will remove tariffs of up to 5 per cent on Scotch whisky. (S6O-00056)

The Minister for Business, Trade, Tourism and Enterprise (Ivan McKee): We are keen for all Scottish exports to increase, in line with our vision for trade. However, any potential gain for Scotch whisky is more than offset by the cost of the deal to our farming communities. That is why it is vital that the UK Government involves the Scottish Government—and other devolved Administrations—in trade discussions to ensure that trade agreements are in the best interests of everyone across Scotland. It is well known that the deal has been celebrated in Canberra but concealed in London and, as we heard last week from the Australian Deputy Prime Minister,

“The big winners are Australian producers”.

Jackson Carlaw: When Ivan McKee has time to get off his high horse, will he focus on the aspect that I asked about, which is the opportunity for Scotch whisky? Australia was our eighth-biggest market last year, worth £113 million to the Scotch whisky industry. Since the announcement of the agreement, what specific conversations has Ivan McKee had with the Scotch whisky industry about how the Scottish Government can work with it to ensure that we maximise the opportunity? Assuming that he has not bothered to do that, will he commit to doing so in the weeks ahead?

Ivan McKee: As Jackson Carlaw should know, I have on-going discussions with the Scotch Whisky Association about how we maximise the global opportunities for all Scotch products. I have engaged extensively with the SWA on the challenges that it has experienced with US tariffs, and the Scotch whisky industry has representatives on my trade board. He should not lecture me about engagement with the Scotch whisky industry, because we have that regularly.

The key point about the trade deal is that the UK Government has not published its impact assessment in full. The reason for that is the significant negative impact that the trade deal in its entirety will have on the Scottish economy through our farming communities. That is why it is important that the UK Government engages with the devolved Administrations to ensure that Scottish interests are taken into account in trade deals.

Michelle Thomson (Falkirk East) (SNP): Does Ivan McKee agree that no free trade deal is ever completely free, and that the Australia deal comes

at a particularly high cost for Scotland, including in terms of lowering standards for consumers?

Ivan McKee: I absolutely agree. We know that trade deals involve trade-offs, but the Scottish Government has had no involvement in the decisions. We have argued consistently that any trade agreement must protect our food, welfare and environmental standards, and that any imports must be produced to equivalent standards to those of Scottish producers. It would be unacceptable if our current high standards suffered as a result of the deal, and it is vital that the UK Government shares the full detail of what has been agreed with Australia.

Education and Skills

Post-Covid-19 Skills and Training

1. Dean Lockhart (Mid Scotland and Fife) (Con): To ask the Scottish Government how it plans to provide secure, sustainable and long-term post-Covid-19 pandemic skills and training opportunities. (S6O-00057)

The Minister for Higher Education and Further Education, Youth Employment and Training (Jamie Hepburn): Skills are a key priority for the Government. Last week, we met one of our first 100 days commitments by announcing a further £20 million for upskilling and retraining through a national transition training fund. We are investing across the whole skills system, including our colleges and universities, to deliver learning opportunities to equip our workforce for the jobs of the future. In addition to the more than £2 billion that is allocated for post-school provision in 2021-22, we have committed £500 million in this parliamentary session to support skills and employment.

Dean Lockhart: The minister will be aware of the latest numbers showing that the fair start Scotland scheme has resulted in only 9 per cent of participants remaining in employment after 26 weeks. That low level of employment under the scheme has been a feature of the scheme since it was introduced three years ago, before the pandemic. Does the minister acknowledge those disappointing results on employment from the fair start scheme, and what steps will he take to improve the performance of that scheme?

Jamie Hepburn: I am sure that Richard Lochhead, my ministerial colleague who has responsibility for that scheme, will be delighted to provide an update to Mr Lockhart. I am always struck by the Tories' unwillingness to recognise the fundamentally different approach that we have taken to employability compared with the one that they have taken in government, whereby they coerce and compel some of the most vulnerable

people in our society to take part in employability programmes under the threat of losing their benefit entitlement. That is not an approach that we will ever take, and ours is an approach that I am proud of.

The Deputy Presiding Officer: I call Paul O’Kane.

Paul O’Kane (West Scotland) (Lab): When did the national qualifications group agree on the appeals process for the 2021 national qualifications, and was the decision unanimous?

Jamie Hepburn: I did not quite catch that question, Presiding Officer, because I thought that you had moved to question 2.

The Deputy Presiding Officer: I am sorry—I thought that Paul O’Kane wanted to ask a supplementary to question 1. I invite Collette Stevenson to ask a supplementary question.

This is going well—I see that she has not pressed her request-to-speak button. We will now move to question 2.

National Qualifications 2021 (Grade Assessment)

2. Paul Sweeney (Glasgow) (Lab): To ask the Scottish Government whether demonstrated attainment from the 2020-21 school year will be used in determining learner grades. (S6O-00058)

The Cabinet Secretary for Education and Skills (Shirley-Anne Somerville): This Government’s absolute priority has been and remains to ensure that our young people are kept safe and are able to achieve fair and credible grades despite the most challenging of school years. Professional judgments of teachers and lecturers based on what learners have demonstrated that they have attained is at the heart of this year’s approach. Learners’ grades this year will be judged by their teachers, based on evidence of their work. If the learner demonstrates that they deserve a certain grade, that is what they will receive.

Paul Sweeney: Teachers and pupils have been contacting me in distress and under pressure due to what one teacher called “exams by stealth”. One pupil who contacted me likened the approach of the Scottish Qualifications Authority to gaslighting. Those concerns have been compounded by the elimination of last year’s results from the historical grade boundaries.

It feels to me that the Government is about to fail the most disadvantaged pupils again in an unforgivable dereliction of duty. Most shameful of all, the Government appears to be trying to shift the blame on to teachers. There is no room for teacher judgment; estimated grades must be evidence based. Will the cabinet secretary now do

what must be done to avoid the mistakes of last year and agree that we need to scrap pre-moderation, allow teachers to professionally determine grades without constraints and introduce a no-detriment appeals process?

Shirley-Anne Somerville: The alternative certification model was co-produced with the national qualifications 2021 group, on which there is teacher representation. They specifically asked, as part of the process, that the awarding of grades be based on demonstrated attainment, so Mr Sweeney’s suggestion goes directly against what teachers representatives asked for. We have worked carefully with stakeholders—including teachers, but also young people—as we have moved through the process.

I appreciate that there have been differences of opinion around part of the appeals process. There is a question on that later, and I will perhaps deal with the detail of the situation at that point. However, I certainly remain committed to ensuring that young people can have faith, as they absolutely should do, in a fair and credible process, which has been worked through with stakeholders and the SQA with the aim of delivering that for them.

Oliver Mundell (Dumfriesshire) (Con): When did the cabinet secretary become aware that local authorities were excluding 2020 exam results when using historical data to moderate grades this year? Is she aware that the SQA discussed the use of statistical analysis with local authority directors of education ahead of quality assurance models being designed and adopted?

Shirley-Anne Somerville: I appreciate that there has been a great deal of speculation around whether historical data is being used. Once again, I say that what is being done is part of a quality assurance process that can be undertaken by local authorities and which helps identify patterns and trends that can be used for local quality assurance to prompt discussions around attainment and achievement.

That historical data is important, because it can support teachers and headteachers to be confident in their judgment as it will be based on a national standard. As always, the important aspect of this is to ensure that young people know that, if their demonstrated attainment has indicated a grade, that is the grade that they will get. Historical data is not being used as an algorithm to change their grades, either by the school or by the SQA.

Fiona Hyslop (Linlithgow) (SNP): Following the finding in the report of the Organisation for Economic Co-operation and Development that Scotland’s assessment system needs to match its 21st century curriculum, what is the education secretary’s response to the call from Maureen

McKenna—one of Scotland's leading educationists and Glasgow City Council's executive director of education services—for a big debate on whether teachers' continuous assessments should play a greater role in pupils' final grades and qualifications in future?

Shirley-Anne Somerville: As I mentioned in my statement yesterday, no decisions have been taken on what reform of the qualifications or assessment approach would look like. That is because a second OECD report will be forthcoming, and a comparative analysis of assessment and qualifications approaches is due by the end of August. When they come through, I will absolutely commit to engaging with stakeholders—including Maureen McKenna, if she wishes—to discuss future plans for senior phase qualifications and awards.

Student Support (Covid-19)

3. Natalie Don (Renfrewshire North and West) (SNP): To ask the Scottish Government what support is available for students impacted by the Covid-19 pandemic. (S6O-00059)

The Minister for Higher Education and Further Education, Youth Employment and Training (Jamie Hepburn): I understand the significant impact that the pandemic has had on students. As a result of it, many students are facing financial difficulties with accommodation and its associated costs or challenges in getting jobs. In direct response to that, we have committed an additional £20 million to help alleviate the financial pressures that many students face over the summer. We have already provided substantial support to students over the course of the pandemic, including over £96 million in support via hardship funds, digital access, mental health support and support for student associations.

Natalie Don: The Covid pandemic has severely impacted many students, and it has magnified the financial burdens that some students face during the summer. The Scottish National Party continues to prioritise improving the attainment gap in Scotland, and providing summer support to students is a very positive step towards achieving that. Many students find themselves in debt over the summer months, and not all have the capability to find work, sustain their accommodation or take up training or volunteering opportunities relevant to their degree, because they simply cannot afford it. That puts those students at a disadvantage relative to their peers who can do so, based on their financial situation rather than their learning ability.

Can the minister provide an update on the timescale for the review of future summer support

for students, as outlined in the plan for the first 100 days of government?

Jamie Hepburn: As Ms Don has rightly laid out, we have made a commitment to commence the review of summer support within our first 100 days. We will engage with the relevant stakeholders across the sector to help inform the review and will consider all the relevant factors before making any decisions. I have already had dialogue with the National Union of Students that touched on a range of matters relating to that subject, and we will continue to engage with it.

We are committed to beginning that review in the first 100-day period. When the review is concluded, we will respond to it and provide updates to Parliament in due course.

Teachers

4. Alex Rowley (Mid Scotland and Fife) (Lab): To ask the Scottish Government what its response is to an NASUWT Scotland survey, which suggests that 53 per cent of teachers have considered leaving the profession in the last year, feeling demoralised, unsupported and unrecognised. (S6O-00060)

The Cabinet Secretary for Education and Skills (Shirley-Anne Somerville): We recognise the pressure on teachers and appreciate their extraordinary contribution in the most challenging of circumstances. We have already committed over £400 million to education recovery and have introduced a support package for schools and mental health support for staff. We are committed to supporting the employment of an additional 3,500 teachers and classroom assistants and to reducing teachers' weekly class contact time by 1.5 hours, to reduce workload and enable more time for planning. We will continue to put the health and wellbeing of pupils and staff at the forefront of our recovery plans and to work constructively with all stakeholders, including the NASUWT.

Alex Rowley: I welcome that answer and wish the cabinet secretary well in addressing the crisis in education.

The Educational Institute of Scotland put forward a proposal at its conference in which it talked about, over nine years, reducing class sizes throughout Scotland at least down to 20. Does the cabinet secretary support that? Does she support the principle that we have to get more resources into the classroom? Will she put a time limit on when we will start to see new teachers come into the classroom, as well as a massive increase in the number of teacher assistants?

Shirley-Anne Somerville: We are absolutely determined to move quickly on the number of teachers and classroom assistants. That is why

we have already moved, as part of our Covid recovery work, to deliver additional teachers and classroom assistants. Once again, on top of that, another first 100 days commitment of this parliamentary session will be to fund councils to increase teacher numbers by 1,000 and classroom assistants by 500.

I appreciate the points that Alex Rowley made in his supplementary question and the need for the Scottish Government and our agencies to ensure that we are supporting teachers at that time. I hope that I can reassure Mr Rowley that I take that very seriously and we are moving quickly to do that.

Stephanie Callaghan (Uddingston and Bellshill) (SNP): I ask the Scottish Government for its views on the link between improving teacher morale and supporting recognition in relation to the comments in the Organisation for Economic Co-operation and Development's curriculum for excellence report, which says that there is a need to provide dedicated time to lead, plan and support curriculum for excellence at the school level. That supports what I am hearing locally from teachers in the Uddingston and Bellshill constituency, who tell me that increased planning time improves the quality of lessons that are delivered to our children.

Although the OECD team did not raise the issue of teacher workload, Scotland's teachers have among the highest rates of class contact across OECD countries. The report actually stated that—

The Deputy Presiding Officer: Could we get a question, please?

Stephanie Callaghan: Yes, certainly. For all teachers, curriculum planning for monitoring student achievement in support of moderation—

The Deputy Presiding Officer: Ms Callaghan, could we please have a question?

Stephanie Callaghan: Yes. Will the Scottish Government commit today to prioritise a reasonable reduction in class contact time for Scotland's teachers?

Shirley-Anne Somerville: As I mentioned as part of my answer to Alex Rowley, we have committed to reducing teachers' class contact time by one and a half hours a week. That was in the manifesto that we stood on and we are proud to deliver on that. We are investing in more teachers, which will ensure that we are supporting the OECD's recommendation on dedicated time for school staff to lead, plan and support the curriculum. We have begun discussions, through the Scottish negotiating committee for teachers, on how that reduction in class contact time can be most effectively achieved. I hope that we can achieve that in the very near future.

School Sports Events

5. **Liam McArthur (Orkney Islands) (LD):** To ask the Scottish Government what support it is providing to schools to enable them to hold modified sports events that can be attended by parents and carers. (S6O-00061)

The Cabinet Secretary for Education and Skills (Shirley-Anne Somerville): We know that end-of-year events such as sports days are important to children and young people, as well as to many parents and carers. In light of current clinical advice, it is also important that we keep schools as safe as possible until the end of term. As always, that involves balancing competing risks and priorities. Our guidance for schools continues to reflect public health expert advice to minimise the number of contacts that children and staff have. That means that class sports days are able to go ahead and be enjoyed but that spectator attendance must be via digital means such as schools' secure online platforms.

Liam McArthur: As the cabinet secretary will be aware, Orkney has been at level 0 for some time, yet parents have been prevented from attending sports days at schools and nurseries across the county. At a time when fan zones were being given the go-ahead by ministers, the curb on attending sports days has caused understandable anger and confusion. Why was more not done to facilitate perhaps smaller school events that would allow parents to attend? Can it really be said that a risk-based approach is being taken when guidance is applied uniformly across the country?

Shirley-Anne Somerville: I appreciate that the issue has concerned many members across the chamber. I absolutely recognise the importance of events to mark the end of a key stage in a child or young person's life, and very careful consideration has been given to that. The current guidance was considered again very recently by the Covid education recovery group and by the advisory subgroup on education and children's issues. We were not able to recommend changes to the position at that time, but I understand that many schools have made plans within the guidance.

One of the reasons why we have not been able to propose a change is that we know that, if cases are identified in an education setting, they can often disrupt the whole setting, with perhaps many children, young people and teachers having to self-isolate. Many early years establishments of course run right throughout the summer, which is the reason for the decision around educational establishments. Our absolute priority is keeping early years centres and schools open as much as possible and not requiring staff or students and pupils to self-isolate.

Meghan Gallacher (Central Scotland) (Con):

Last week, I raised concerns in relation to parents and guardians who are still unable to attend their child's nursery or school graduations or sports days. Will the Scottish Government produce the evidence that states that it is not safe for parents to attend before parliamentary recess, given that the First Minister assured us that it would be made available?

Shirley-Anne Somerville: I am certainly happy to ensure that the member is directed to the advice that we have, the guidance that has come out and the minutes of the education recovery group. I have stated the reasons for the decision of that group and of the advisory sub-group on education and children's issues not to recommend to ministers a change in that guidance, which I will not rehearse again. However, we will of course keep that under review to see whether changes can be made for the new academic year.

Michael Marra (North East Scotland) (Lab): A key issue in holding school events is Covid testing levels. Does the Government believe that the low numbers of Covid tests taking place in schools have led to more disruption to young people's education?

Shirley-Anne Somerville: I thank Michael Marra for that question, because I have kept a very close eye on that. We believe that there is an underreporting of Covid testing levels in schools among both pupils and staff, because there is an underreporting of when a person has a negative test. We discussed that at great length at the education recovery group, and that is one of the reasons why the unions, Public Health Scotland and other members of the group think that we are seeing a level of results coming through that is perhaps lower than what is happening in the area. We have been very keen to press the issue. I thank the unions, the Association of Directors of Education in Scotland and others in local authorities for their work to encourage their staff to take that up, and to ensure that they do so right up until the summer holidays.

We are already looking at what needs to be done to ensure that testing is as high as we would like it to be as we move into the next academic year. I am keeping an exceptionally close eye on the issue, because I would also like to see higher figures.

The Deputy Presiding Officer: I call Paul O'Kane—I apologise for the earlier confusion, Mr O'Kane.

National Qualifications 2021 (Appeals)

6. **Paul O'Kane (West Scotland) (Lab):** Thank you, Presiding Officer. I knew that there being two

Pauls in the Labour group would get confusing at some point.

To ask the Scottish Government when the national qualifications group agreed on the appeals process for 2021 national qualifications, and whether the decision was unanimous. (S6O-00062)

The Cabinet Secretary for Education and Skills (Shirley-Anne Somerville): The alternative certification model for this year has been co-produced by the national qualifications 2021 group to deliver the best possible approach under the circumstances, to ensure that learners' hard work is recognised fairly.

On the approach to appeals, a range of views were expressed following an extensive consultation on draft proposals. As has been apparent, some group members do not support the approach that is being taken, whereas others do. Jim Thewliss, who is the general secretary of School Leaders Scotland, for example, is clear that SLS is fully behind the model as the best approach possible, and fully behind the approach that is being taken on appeals.

Paul O'Kane: I note what the cabinet secretary said about some members of the group, but the Government has said that a rights-respecting approach is at the heart of our recovery from the pandemic. It is therefore disappointing and frustrating that Cameron Garrett from the Scottish Youth Parliament, who was the only young person on the national qualifications 2021 group, has said that young people have been ignored in the formulation of the process.

Listening to the views of young people and upholding their rights should be among our top priorities in the Parliament. Were there any other dissenting views in the national qualifications 2021 group regarding appeals?

Shirley-Anne Somerville: As I said in my original answer, there were a number of thoughts on the appeals process and its different parts. The issue did not involve a binary choice, because there were a great number of different thoughts on different aspects of the process.

When I was reassuring myself about what was happening, I considered whether the process is credible and fair. I appreciate that Cameron and others in the Scottish Youth Parliament wanted a no-detriment arrangement, whereby grades could not go down. However, that would not be fair and credible: it would not be fair on young people who do not put in an appeal, because anyone looking at an appeal would see only part of the evidence. That would not make the process fair for all learners.

I absolutely appreciate that, on this occasion, I took a different view from that of the young people who made representations on the matter. However, I reassure them that I listened carefully to their views, and that they were not ignored. There was a genuine difference of opinion.

I look forward to working with Cameron and others as we move forward with the policies on education. As I said yesterday, I am determined to put them at the heart of those policies. We might not necessarily agree on every occasion, but they will be at the heart of the Government's education policy making.

The Deputy Presiding Officer: I will take questions 7 and 8, provided that the questioners and the cabinet secretary approach the questions and the answers with some brevity.

School Estate (Investment)

7. **Jenni Minto (Argyll and Bute) (SNP):** To ask the Scottish Government what its plans are for future investment in the school estate. (S6O-00063)

The Cabinet Secretary for Education and Skills (Shirley-Anne Somerville): Scottish Government officials are currently preparing for my consideration options regarding phase 3 of the £2 billion learning estate investment programme. Later this year, I expect to make an announcement on the timescales for phase 3.

Jenni Minto: All over Argyll and Bute, we have excellent schools—they are fantastic places to learn. However, on the islands of Islay, Mull and Tiree, our high school estate needs upgrading. Our teachers are the best, and our children's school staff deserve a building that mirrors the excellent teaching that takes place inside it. Does the cabinet secretary agree that the quality of teaching must be mirrored by the quality of the buildings, and that funding should be forthcoming?

Shirley-Anne Somerville: I am determined that Scotland's pupils have access to high-quality, up-to-date facilities of which school communities can be proud. I reassure Jenni Minto that any bid for funding from Argyll and Bute Council through phase 3 of the learning estate investment programme will be given careful consideration.

Teaching Posts (Funding Allocations)

8. **Willie Rennie (North East Fife) (LD):** To ask the Scottish Government whether funding allocations earmarked for new and existing teaching posts will be made permanent, to enable local authorities to award a greater number of permanent contracts. (S6O-00064)

The Cabinet Secretary for Education and Skills (Shirley-Anne Somerville): We are

working closely with the Convention of Scottish Local Authorities regarding the employment of teachers for the next academic year, and local authorities are currently undertaking an assessment of staff requirements to support education recovery. As employers, the recruitment and deployment of teachers and support staff in local authority schools is a matter for individual councils. Our education system relies on the hard work and dedication of our teachers, and I recognise the effort and resilience that they have shown to support learners during the pandemic.

I am firmly of the view that we will need all possible teaching resources at our disposal to support education recovery, and I would expect employment opportunities to be available.

Willie Rennie: The cabinet secretary completely dodged my question. I was asking whether she is prepared to make the funding permanent so that the teaching posts can be made permanent. If the funding is temporary, it is a no-brainer that we will get temporary posts. Will the cabinet secretary change the policy and allow local authorities to make the teaching posts permanent?

As we have already heard, the teaching profession is utterly depressed, and it has been treated poorly by this Government. Will the Government change its ways?

Shirley-Anne Somerville: I say to Willie Rennie exactly what the First Minister said to him when he raised the issue a few weeks ago. She said, and I reiterate once again, that we will need all possible teaching resources at our disposal as we move to education recovery. As a Government, we are taking Covid education recovery exceptionally seriously, and that is why I would expect, as does the First Minister, permanent employment opportunities to be the priority of local authorities.

The Deputy Presiding Officer: That concludes portfolio questions.

Child Poverty

The Deputy Presiding Officer (Annabelle Ewing): The next item of business is a statement by Shona Robison on the tackling child poverty progress report. The cabinet secretary will take questions at the end of her statement, so there should be no interventions or interruptions.

14:55

The Cabinet Secretary for Social Justice, Housing and Local Government (Shona Robison): Today, I have published the third annual progress report due under the Child Poverty (Scotland) Act 2017. During the past unprecedented year, we have done everything in our power to support children and families who have been impacted by the Covid-19 pandemic, and to continue to drive progress on our ambition to eradicate child poverty. We have built on the strong supports that have been established to date, and worked with partners to deliver entirely new support, rising to the challenge and demonstrating our capacity and capability to make significant change at pace.

The report published today highlights that all 66 of the actions that we have previously reported on are either in progress or being delivered. It also highlights that the scale of the investment that we have targeted at low-income families with children continues to grow, rising to £978 million in 2020-21, including £118 million of targeted investment made through our response to Covid-19. That is part of almost £2.5 billion that we have invested to support low-income households, including more than £434 million of Covid-related investment in social assistance.

The report also highlights the scale of the challenge that we face in eradicating child poverty in Scotland. We know that the Covid pandemic will make reducing poverty that much harder, which is why we must work together across Scotland to deliver the change that is needed.

During the past year, we have continued to take action against each of the three key drivers of poverty. We have stood up a wide range of new support to mitigate the impacts of the pandemic and protect children and families, working in partnership with local authorities and wider partners, including the third sector. We have made strong progress in maximising household incomes through social security with the introduction of three new benefits, which are unavailable elsewhere in the UK, each offering completely new support. That includes our job start payment, which supported more than 230 young parents to transition in to work with payments of £400 to meet essential costs, and our child winter heating

allowance, which supported more than 14,000 children and put £2.8 million in the pockets of families with the most severely disabled children, helping to ease the financial pressures that were caused by winter fuel costs and the Covid pandemic.

Notably, in February, we delivered on a landmark commitment by commencing payment of the game-changing Scottish child payment for eligible families with children under the age of six. It is our 10th benefit and is worth £40 every four weeks. I am delighted that, by the end of March, we had made payments worth more than £3.6 million for more than 78,000 children.

In addition, we introduced new pandemic support payments to provide immediate financial support to families in need, reaching almost 145,000 children and young people. We will build on that approach to deliver bridging payments of £520 each year until the Scottish child payment is rolled out in full at the end of 2022 as committed to, and we will fulfil one of our 100 days commitments by paying a further £100 for each child around the start of the summer holidays in addition to the £100 paid at Easter.

Importantly, we have now committed to doubling the Scottish child payment by the end of the current parliamentary session by increasing payments to £80 every four weeks. We will look to do that as early as possible, thus putting more money into the pockets of families who need it.

We have delivered new action to reduce living costs and ensure access to essentials. That includes the May 2020 launch of connecting Scotland, which is one of the most comprehensive national programmes aimed at tackling digital exclusion in the world. Since then, the programme has supported more than 17,000 families with children and 4,000 young care leavers, helping them to get online and access the benefits that digital connectivity can bring.

To tackle food insecurity and reduce the strain on family budgets, we invested more than £56 million to support the continued provision of free school meals for around 156,000 children and young people during school closures, periods of online learning and school holidays, promoting a cash-first approach, as parents know best what they need. We will continue that support during forthcoming school holidays, alongside commencing the expansion of our universal free school meal offer for primary school children.

Despite the impacts of the pandemic, we have also continued to deliver progress on our action to increase incomes from work and earnings. In 2020-21, more than 4,500 workers saw an increase in their earnings as a result of living wage accreditation, and we have applied fair work first

criteria to more than £2.4 billion of public sector grant funding, helping to deliver fairer workplaces for workers across Scotland.

The impact of the pandemic has meant that it has not been possible to deliver the anticipated progress on all commitments. However, we have taken ambitious and realistic steps to ensure that we deliver on them as quickly as possible and that we go further in future. For example, our expansion of early learning and childcare is now set to be completed from August, although more than half of councils are already delivering the expanded offer of 1,140 hours. Given the importance of childcare to families, we have set out the next stage of our ambition, which is to further expand childcare and to develop a wraparound childcare system that provides care before and after school, all year round.

As soon as possible, we will complete delivery against the target of 50,000 homes that we set during the previous parliamentary session, and we have committed to delivering a further 100,000 affordable homes by 2031-32.

We have committed a further £8.65 million this year for our parental employability support fund, bringing total investment to more than £23 million since 2019, and enabling even more parents to benefit from that service. We have also extended our commitment to the fair start Scotland service until 2023, to ensure that future demand for employment support can be met.

We are determined to maintain the pace and determination with which we responded to the Covid pandemic. That is why, in addition to the measures that I have already mentioned, we have committed to taking further steps in the first 100 days of the parliamentary session. That includes delivering our ambitious summer programme for children and young people and further increasing the minimum value of school clothing grants and our best start food payments.

In Scotland, we are serious about ending child poverty, and we have committed to a wide range of action to do just that. Early analysis of the impact of our Scottish child payment suggested that it could move 30,000 children out of poverty when it is paid at £40 every four weeks. Doubling that will enable us to go even further. However, the UK Government's cut of £20 to universal credit threatens to knock out the benefit of that ambitious measure and to push 20,000 Scottish children into poverty. The Scottish Government is giving with one hand what is taken away by another. It is a disgrace that our efforts to tackle child poverty are at risk of being undermined by regressive UK Government policy and a broken welfare system.

We have declared a national mission to eradicate child poverty. We know the scale of the

challenge that we face and, although the Scottish child payment is a game-changing policy, we need more of those, right across Government, to deliver the change required. The Government is hugely aspirational. Our commitment to exploring the feasibility of a minimum income guarantee, which could be revolutionary in our fight against poverty, is a clear demonstration of our ambition for Scotland.

The Cabinet recognises that that is a cross-Government responsibility, and we are 100 per cent committed to doing everything in our power and using every lever that is at our disposal to deliver the change that is needed. However, it is not just Government that needs to act. We must take a team Scotland approach and work collectively to eradicate child poverty. That will take Parliament, civic Scotland, the public sector, and businesses doing everything that they can to support those efforts.

We will shortly commence consultation on our next delivery plan for tackling child poverty, which is to be published by the end of March 2022. We will build on the action that has been taken to date and on the strong evidence base that has been established. We will be guided by the recommendations and challenge that is offered by the Poverty and Inequality Commission and by the blueprint of the social renewal advisory board. In the plan's development, we will also work closely with our partners, with experts by experience, and with children and young people themselves.

As the report that is being published today demonstrates, we are already taking wide-ranging action, but we must do more, and I ask all members to help us in that. I call on them to support us in taking the action required and to come forward with ideas—my door is always open to positive and serious suggestions—and I ask them to back the Government in eradicating the blight of child poverty once and for all.

The Deputy Presiding Officer: The cabinet secretary will now take questions on the issues that were raised in her statement. I intend to allow about 20 minutes for questions, after which we will move on to the next item of business.

Miles Briggs (Lothian) (Con): I thank the cabinet secretary for advance sight of her statement.

There is welcome cross-party agreement on, and support for, the actions to tackle child poverty that the cabinet secretary outlined, including the doubling of the Scottish child payment. Many people in the sector are, however, asking what is preventing ministers from taking steps to double the Scottish child payment as soon as possible. The cabinet secretary said that it will be

“by the end of this parliamentary session”—

which is some five years away—and said in the same paragraph that the Government would look to double the payment “as early as possible”. Why will the Scottish Government not commit to a date for delivery?

A key area on which the cabinet secretary did not touch is the Scottish Government’s record on children who live in temporary accommodation. The most recent Scottish Government statistics show that 7,900 children are living in temporary accommodation, which is a 9 per cent increase on the figure for 2019-20.

We all know that a safe and stable home is vital to a child’s wellbeing and development. After 14 years of Scottish National Party Government, the situation is getting worse and worse, especially here in the capital. Will the cabinet secretary say what plans the Scottish Government will put in place to ensure that we end the problem of households that include pregnant women and children living in temporary accommodation? How will the Government prioritise the issue?

Shona Robison: First—as, I think, Miles Briggs acknowledged—I note that the Scottish child payment is a game-changing policy in the fight against child poverty. As I said, our manifesto commits us to doubling the payment to £80 per month by the end of this parliamentary session, which has been widely welcomed.

We recognise the need for urgent action. We will double the payment as soon as is practicable. We are considering the timetable for the increase, taking account of the impact on child poverty as well as legislative, financial and delivery considerations, and I will make an announcement in due course. I recognise that there is an appetite to go as quickly as possible.

Miles Briggs asked about children in temporary accommodation. He will be aware of the enormous efforts during the Covid-19 pandemic to ensure that people could be in safe accommodation. I do not want anyone to live in unsuitable temporary accommodation, so it is a top priority for me to try to resolve the situation.

Miles Briggs also alluded to regional variations; the issue is more difficult to tackle in some areas than it is in others. I want to engage with local authorities and housing associations in each area, to consider what more we can do.

The 100,000 affordable homes that we have delivered are important, as is the commitment to building 100,000 more affordable homes, 70 per cent of which will be for social rent. That will make a big impact, but there is more to be done.

Pam Duncan-Glancy (Glasgow) (Lab): I thank the cabinet secretary for advance sight of her statement.

It is a tragedy but—sadly—it will be no surprise to anyone in the chamber that, at the point when we need to do more, we are set to miss by 4 per cent the child poverty target that Parliament set.

The Poverty Alliance and civic society are united in making it crystal clear that if we are to move towards giving people lives that are free from poverty, we must double the Scottish child payment immediately. Today, the Government committed to doubling the payment by the end of this parliamentary session. That is not soon enough.

Will the cabinet secretary say what the hold-up is? If not now, when will she do so? I share the Government’s concern about the removal of the £20 uplift to universal credit, so I find it hard to understand why the Government is not prepared to use its power to mitigate that policy, right now.

People in single-parent families, people of colour and families that include disabled people or carers are more likely to live in poverty. Those people are being hit hardest. A minimum income guarantee is needed to lift those people above the poverty line. The Government has committed to a minimum income guarantee, but when will it begin to take steps to introduce the policy? Will it set out what those steps will be?

As the cabinet secretary knows, my view is that we cannot successfully reach a minimum income standard without making changes across Government—

The Deputy Presiding Officer: Will you ask a question, please?

Pam Duncan-Glancy: Will the cabinet secretary today commit to making the minimum income guarantee an organising principle for this Government?

Shona Robison: I hope that Pam Duncan-Glancy will not mind my sharing that we had a constructive discussion about issues to do with the minimum income guarantee when we met last week.

I want to get the steering group up and running—as Pam Duncan-Glancy is aware, that is one of our commitments for our first 100 days—and I want then to consider the feasibility of introducing a minimum income guarantee. We discussed the fact that that could encompass not only cash but in-kind support across a myriad of areas of government. That work is important, so I assure her that I want to see it progress at the earliest opportunity.

As I said to Miles Briggs, we want to bring forward the doubling of the Scottish child payment as quickly as possible. However, I am sure that Pam Duncan-Glancy will recognise that, even in the first 100 days, we have brought forward

delivery of bridging payments of £520 a year until the end of 2022, by which time we have committed to rolling out fully the Scottish child payment to those who are currently not eligible. That fulfils one of our first 100 days commitments, so it is not a fair accusation to say that the Government is not moving fast enough to put money into the pockets of the families who need it most.

Marie McNair (Clydebank and Milngavie) (SNP): The cabinet secretary will recognise that the United Kingdom Government's two-child policy is a major driver of child poverty, and that even if the two-child policy did not exist, the UK benefit cap would still enforce that misery for many families. Does the cabinet secretary agree with me and organisations including the Child Poverty Action Group that both policies must go? What actions will the Scottish Government take to support families who are impacted by these draconian measures?

Shona Robison: I agree very much with Marie McNair. Scottish ministers have, since the start of the pandemic, written to the UK Government on four occasions calling for the measures, which trap many families in poverty, to be scrapped. Over time, more and more families will be affected by the callous two-child cap. By April 2019, 8,500 families across Scotland had been denied entitlement for their children. In the long run, up to £120 million a year could be cut from benefit spend in Scotland, which will push 20,000 children into poverty. Similarly, the damaging impacts of the benefit cap have been highlighted during the pandemic. Cases have nearly doubled to 6,500, and 97 per cent of those households contain children.

Therefore, I reiterate my call: it is the UK Government's responsibility to ensure that its policies provide adequate support. I hope that Parliament can unite in calling on it to do that.

Alexander Stewart (Mid Scotland and Fife) (Con): The Government's statement refers to working in partnership with local authorities, partners more widely and the third sector. Funding was set aside specifically to support disabled parents to access employment. Can the cabinet secretary say whether that funding has been distributed to all local authorities? If it has not, can she provide a timescale for that?

Shona Robison: First, I note that the partnership with local government is important. Local government is one of the main delivery partners for many of the programmes that have been outlined. I will write to Alexander Stewart on the specific question about moneys to local authorities for parental employment. That is a key pillar of support for families; it ensures that families are supported into work, reduces the cost of living and provides cash and in-kind support to families.

Fiona Hyslop (Linlithgow) (SNP): The Organisation for Economic Co-operation and Development's report on Scotland's curriculum for excellence, which was published this week, found that there has been an apparent improvement in tackling the poverty-related attainment gap, that the impact of socioeconomic status on performance here is among the lowest among OECD countries, and that a greater proportion of resilient young people from less well-off backgrounds are performing at high levels. That is quite a turnaround from the picture in previous OECD reports.

Given that building resilience has been at the core of the SNP Government's early years education and development agenda, can the cabinet secretary commit to driving forward that early years agenda by working in partnership with the Cabinet Secretary for Education and Skills on tackling the impact of poverty on children?

Shona Robison: I thank Fiona Hyslop for her question.

The Cabinet Secretary for Education and Skills has underlined the importance of the OECD's findings and recommendations. As I said, we are investing £1 billion over this session of Parliament to close the attainment gap, with record funding of more than £215 million in 2021-22, which will help to provide targeted help to some of the most disadvantaged children and young people.

However, we recognise that more must be done if we are to maintain that relentless pursuit of equality in education. That is why we are introducing free school lunches for primary 4 children as a first step towards providing free school breakfasts and lunches for all primary school pupils. I also mentioned the best start food funding. We have the school clothing grant, as well. All those taken together are important, but I am keen to work with the Cabinet Secretary for Education and Skills to see what more we can do. I want to work with every cabinet secretary and minister to make sure that we redouble our efforts to tackle child poverty.

Carol Mochan (South Scotland) (Lab): The Scottish Government rightly recognises that low pay is at the heart of child poverty and that it is an issue that should preoccupy everyone across the country. Why, then, will the Government not commit to paying carers—a workforce that is largely made up of seriously underpaid women with childcare responsibilities—£15 an hour?

Shona Robison: Carol Mochan has raised an important point about the social care workforce. She will be aware of the work that is going on around the building of a national care service, of which pay and conditions are a key part. That is important in this agenda, given the three pillars

that I talked about, with the first being employment. Care services have a mainly female workforce supporting families, so the employment pillar is important in making sure that we support those families and that workforce. I am confident that pay and conditions will be taken forward and improved as part of building the national care service.

Jackie Dunbar (Aberdeen Donside) (SNP): We know that increasing household incomes from work and earnings is one of the key ways to tackle poverty effectively. Can the cabinet secretary outline what impact the parental employability support fund will have on tackling poverty in Scotland?

Shona Robison: Jackie Dunbar has made an important point about one of the three key pillars in tackling poverty. Since 2019, we have committed more than £23 million to the parental employability support fund, which provides parents with employability support to help them enter and progress in the labour market.

The fund has a strong focus on each of the six priority family types that are identified in the tackling child poverty delivery plan, providing locally tailored support that is responsive to need. Our 2019-20 progress report estimated that around 11,500 children could positively benefit from our investment in the fund, with increases in parents' take-home earnings directly impacting on child poverty targets.

Jeremy Balfour (Lothian) (Con): What assessment—[*Inaudible.*]—of the current likelihood of meeting the child poverty reduction targets without new and additional action?

The Deputy Presiding Officer: I think that the cabinet secretary struggled to hear that question, perhaps because of the sound quality. It would be helpful if Jeremy Balfour repeated the whole question.

Jeremy Balfour: What is the Scottish Government's assessment of the current likelihood of meeting the child poverty reduction targets without new and additional action?

Shona Robison: I apologise to Jeremy Balfour for not hearing him properly the first time.

My immediate response to Jeremy Balfour's question is that it will be tough. In our report, which I hope everyone looks at, I have laid out the extensive actions that the Government has taken. However, in my statement, I also said clearly that all those actions and all the investment, even taken together, will not be enough. That is why we have committed to redouble our efforts across the Government and to look at everything that we do through a child poverty lens to see whether it works to reduce child poverty. That will be crucial.

I also make the point to Jeremy Balfour that although we could end up with all that work being on the right trajectory to hit those targets, we could be prevented from hitting them because of the actions of the UK Government—for example, in reducing the £20 universal credit uplift. I implore him and his colleagues to make representations on that to the UK Government, because it would be a travesty if the Scottish Government makes progress towards meeting those targets but is held back by UK Government welfare policy.

Maggie Chapman (North East Scotland) (Green): I thank the cabinet secretary for advance sight of her statement and the report.

In the cabinet secretary's statement, she referred to the Scottish child payment as a game changer in the fight against child poverty, but it will not be a game changer for the children who are eligible for the payment but do not receive it because their families are unaware of it, not supported to claim it or put off by the toxic demonisation of benefits claimants.

In January, the Scottish Fiscal Commission projected that by 2025-26 around 99,000 children will be eligible for but not receiving the payment. That would be nothing short of a national disgrace. What is the Scottish Government doing to ensure that all families who are eligible will receive the payment?

Shona Robison: Maggie Chapman makes a very important point about awareness of the Scottish child payment. She may be aware that, from the start, Social Security Scotland has promoted awareness of entitlement, which is perhaps a bit different from the position taken by the Department for Work and Pensions.

It is very much Social Security Scotland's job to promote awareness of entitlement. However, that is not just Social Security Scotland's job; it is everyone's job. It is the job of health visitors, teachers, social care staff and general practitioners who come into contact with families who they think may be eligible to make sure that awareness is heightened. For example, one important project involves the co-location of benefit advisers in GP surgeries. We should miss no opportunity to make sure that families are aware of their entitlement to not just the Scottish child payment but all the other benefits that they may be able to claim.

Neil Gray (Airdrie and Shotts) (SNP): I welcome my friend Shona Robison to her place back in the Cabinet.

The impact of Covid on poverty will be a big challenge for us to address. On Monday I took part in a meeting with the Poverty Alliance and other groups across Scotland about just that. Rent arrears and indebtedness was one issue that was

highlighted. What assessment has the Scottish Government made of the impact on debt and poverty levels in Scotland of removing the £20-per-week universal credit uplift, and what work has she done to persuade the UK Government to make the uplift permanent?

Shona Robison: I thank Neil Gray for his question. I very much enjoyed working with him on the Social Justice and Fairness Commission.

The Scottish Government analysis that was published in November estimated that removing the £20 uplift and reinstating the minimum income floor would reduce benefit spend in Scotland by £476 million in 2021-22. Although the UK Government has extended those measures to the end of September, the scale of the loss to families will be hugely significant if the uplift is cut.

As the Joseph Rowntree Foundation has highlighted, even with the uplift, families who are unable to work are still £1,600 per year worse off now than they were in 2011. That is why we have written to the UK Government seven times calling for it to make the uplift permanent and to extend it to those who are in receipt of legacy benefits.

Neil Gray also made a point about rent arrears. Given the importance of the issue, which I recognise, the Deputy First Minister announced the establishment of a tenant grant fund to add to the other measures that we are taking to help people who have been impacted by Covid-19 during the pandemic in relation to rent arrears.

Alex Cole-Hamilton (Edinburgh Western) (LD): Scottish Liberal Democrats campaigned for years to convince the SNP of the value of offering funded childcare for two-year-olds from deprived backgrounds. Supporting children in their early years is one of the most effective ways of driving down the attainment gap. It also helps parents to return to work by easing the burden of childcare costs and, by extension, it drives down in-work poverty.

Statistics that were released this week show there are still more than 8,000 two-year-olds missing out on that entitlement. What will the Scottish Government do to improve that terrible take-up rate and deliver flexible childcare to those who need it most?

Shona Robison: As I said in my statement, the expansion of early learning and childcare is now set to be completed from August this year. Of course, half of councils are already delivering the expanded offer of 1,140 hours to families. Given the importance of the issue, we have set out the next stage of our ambition to further expand childcare and develop a wraparound childcare system before and after school, all year round.

The member makes an important point about two-year-olds. As I said, one of the three key pillars is about cash and in-kind support. Wraparound childcare is one of the most important aspects of in-kind support for families, and it can make a big difference in lifting them out of poverty. I will be working with my Cabinet colleagues to ensure that that is delivered.

Fulton MacGregor (Coatbridge and Chryston) (SNP): Interventions such as the Scottish child payment will make a huge difference, but there will always be a limit to what can be achieved while the majority of powers to tackle child poverty remain reserved to Westminster. The cabinet secretary referred to that in her opening remarks, but will she provide further examples of areas where the Scottish Government is unable to act to tackle child poverty because powers are reserved?

Shona Robison: Although around 15 per cent of social security spend is devolved to the Scottish Parliament, and it is our job to make the most of that spend in tackling child poverty, 85 per cent of the spend is not devolved and remains at Westminster, including key income-replacement benefits such as universal credit. I have already outlined the damaging effect of withdrawing the £20 uplift in universal credit. Of course, the benefit cap and the senseless two-child limit just add to the issues and problems.

With full powers over social security, we could deliver a system that is fit for purpose, that treats people with dignity and respect and that tackles and reduces poverty. Similarly, if we had employment powers, we could make the real living wage mandatory, outlaw unfair fire-and-rehire tactics and ban the inappropriate and exploitative use of zero-hours contracts. Those are just a few ideas about what we could do if we had powers in this place over those matters.

The Deputy Presiding Officer: That concludes the statement. Before we move on to the next item of business, I am required to remind members that social distancing measures are in place in the chamber and across the Holyrood campus. I ask members to take care to observe those measures, including when entering and exiting the chamber.

Urgent Question

Royal College of Nursing Scotland (Trade Dispute)

15:27

Jackie Baillie (Dumbarton) (Lab): To ask the Scottish Government what its response is to the formal notification by RCN Scotland that it is in trade dispute with the Government over pay.

The Cabinet Secretary for Health and Social Care (Humza Yousaf): Clearly, the notification—*[Inaudible.]*—but I look forward to continuing to engage with it. We have engaged in the pay negotiations through the staff-side representative and collective union group STAC, the Scottish Terms and Conditions Committee. That process has been in place—*[Inaudible.]* In May, the clear majority of unions, including Unison Scotland, the Royal College of Midwives and many others, which represent a clear majority of national health service staff, reported that they accepted the 2021-22 pay deal. We have therefore moved to deliver the pay increase, with uplifted back pay, as soon as possible. The 4 per cent increase stands in stark contrast to the paltry 1 per cent that is on the table from the United Kingdom Government for nurses in England.

I met—*[Inaudible.]* Clearly, I would be happy to meet them again on these matters—

The Deputy Presiding Officer (Annabelle Ewing): I am sorry, cabinet secretary, but we have a point of order from Jackie Baillie.

Jackie Baillie: I did not ask for a point of order.

The Deputy Presiding Officer: I am sorry. I thought that it was from Jackie Baillie, but it is from Alex Cole-Hamilton.

Alex Cole-Hamilton (Edinburgh Western) (LD): On a point of order, Presiding Officer. Unsurprisingly, as this is an urgent question, there is a lot of interest in the answers from the Government. Given the connection issues with which the cabinet secretary is struggling, I wonder whether another member of the Government might be prepared to answer the question.

The Deputy Presiding Officer: I note the point of order. I will ask the cabinet secretary to turn off his video so that we have audio only. We will try again and see if that works better. Perhaps the cabinet secretary could start again with his answer to Jackie Baillie's initial question.

Humza Yousaf: Yes, I am happy to do so. I can see and hear everybody, so I apologise if the connection problem is at my end. Please interrupt me if the connection does not get better. If it is

helpful, I have a back-up device, which I am happy to set up quickly and use.

In answer to Jackie Baillie's question, the notification from the RCN is, of course, disappointing. I look forward to continuing to engage with the RCN. We have engaged in pay negotiations through the STAC process, which has been in place since 2005. In May, the clear majority of unions on STAC, which represent a clear majority of NHS staff, reported that they—*[Inaudible.]*

—Scotland, the Royal College of Midwives, among others. Therefore, we have moved to deliver that increase in pay, with uplifted back pay, as soon as possible. That 4 per cent increase in pay stands in stark contrast to the paltry 1 per cent from the UK Government that is on the table for nurses in England. I met the RCN and the rest of STAC on 14 June, and I would be happy to meet them again to discuss those matters. At the STAC meeting, we discussed the fact that the 4 per cent increase was the biggest uplift for NHS Scotland staff in at least 20 years and that it will continue to ensure that our nurses are the best paid in the UK.

The Deputy Presiding Officer: Jackie Baillie, I hope that there was enough of that answer to help you in asking your supplementary questions.

Jackie Baillie: There was, Presiding Officer.

It is fair to say that this is the first time in the history of RCN Scotland that it has notified the Government of a trade dispute. However, it is about so much more than pay. Nursing staff have been warning for years that unsustainable vacancy levels, increasing workload demands and the risk that those pose for patient care and safety need to be addressed. The vacancy rate is up, and 30 per cent of vacant posts have been vacant for more than three months. After months of working on the Covid front line, nursing staff are now exhausted and many are considering leaving the profession, which will make staff shortages worse. Given the scale of the backlog challenge that the NHS faces, why has the Government allowed the relationship with the nursing workforce to deteriorate to that level?

Humza Yousaf: Unsurprisingly, I do not agree with Jackie Baillie's characterisation, but the RCN's action is unprecedented and I will look to engage and reach out to the organisation. In my first few days in the role, I wrote to the RCN and, as I mentioned in my previous answer, I followed that up with a meeting with the RCN and other trade unions, in which pay and other matters were discussed. I will reach out again to the RCN to have a discussion and bilateral talks.

However, this Government has an exceptional record, and these are the most unprecedented of times. The record pay rise that we have

implemented, which is the single largest pay rise for NHS staff in a single year, comes on top of the £500 thank you payment. The number of qualified nurses and midwives in Scotland is at a record high, having gone up by 12.8 per cent to more than 46,000. We have 8.5 qualified nurses and midwives per 1,000 people, compared to 5.9 per 1,000 in England.

However, I do not seek to minimise the points that Jackie Baillie raises. We know that there are still challenges, and that is why I am absolutely committed to ensuring that we continue to invest in, for example, the mental wellbeing hub, which will help the resilience of our workforce. There are issues that still need to be discussed, and I am happy to get back around the table with the RCN.

Jackie Baillie: I repeat that this is the first time in its history that RCN Scotland has taken such action; it is unprecedented. What wider action will the cabinet secretary take to deal with the workforce pressures? What action will he take to recruit and retain the required nursing staff? The RCN claims that, despite attempts to engage with the new cabinet secretary, its requests for a meeting have been ignored. Will the cabinet secretary commit to an urgent meeting with RCN Scotland to hear its concerns and find a solution before the matter escalates even further?

Humza Yousaf: I reiterate that I have engaged with the RCN; within my first few days in the post, I wrote to the RCN in response to its letter to my predecessor. I met the RCN about 10 days ago as part of a wider group of meetings with all the trade unions. Of course, I am more than happy to meet the RCN, and I will look to do that and get that process under way.

On the broader issues, which I think Jackie Baillie raises fairly reasonably, we will look to engage with not just the RCN but our other trade unions around the mental wellbeing of our staff. We know that the past 15 months have probably been the hardest and most difficult for most of our NHS staff in their entire careers. That is why we are putting in place a comprehensive package of wellbeing support that includes the national wellbeing hub, the national wellbeing helpline, psychological interventions and therapies, coaching for wellbeing, digital apps and workforce specialist services for regulated staff including nurses.

Jackie Baillie will know about our plans for a national recovery plan. A lot of our implementation of important wellbeing measures will be part of that plan, which I am happy to engage with Jackie Baillie on.

Gillian Mackay (Central Scotland) (Green): The latest workforce statistics show that there are more than 4,400 nursing vacancies in Scotland

and that a fifth of the workforce is over the age of 55. We urgently need to improve recruitment and retention of nurses if we are to maintain safe levels of care. Does the cabinet secretary recognise that pay and conditions will be essential to ensuring that the NHS has the nursing workforce that it needs and to the implementation of the Health and Care (Staffing) (Scotland) Act 2019, which has been delayed due to the pandemic?

Humza Yousaf: Yes. I think that Gillian Mackay makes reasonable points. That is why we have implemented the single largest pay rise in the history of devolution for NHS staff, and it is also why we gave our NHS staff a £500 thank you payment in recognition of what a challenging 15 to 16 months it has been.

Gillian Mackay is right that both recruitment and retention are important. I am pleased with the Government's record of recruiting qualified nurses and midwives—the figure is at a record high—but where there are still challenges, I am more than happy to engage, and will engage, with the RCN. Many of the issues that Gillian Mackay and Jackie Baillie have raised will be part of our recovery plan, which we have committed to producing in the first 100 days.

Alex Cole-Hamilton: All too often, nurses have had to bear the brunt of the pandemic, and many have had absolutely no respite, between cancelled leave and overtime. The sustained high-intensity workload has resulted, and will result, in significant mental health repercussions. There can be no NHS recovery without a committed and motivated nursing workforce. Nurses are pivotal, and the Government must make it clear that they are valued and will be listened to and supported at all times, not just in the run-up to an election. When it comes to the mental wellbeing of our nurses, what package of support will be offered to them alongside a much-needed pay uplift?

Humza Yousaf: I probably answered that in my answer to Jackie Baillie, but Alex Cole-Hamilton is right—there must be a comprehensive package of wellbeing support, and I am pleased that there is one. It includes the national wellbeing hub, the national wellbeing helpline, psychological interventions and therapies for staff, and coaching for wellbeing. Digital apps are available for the workforce, too, and there is a workforce specialist service for regulated staff, including nurses. If Alex Cole-Hamilton wishes to have even more detail about some of those interventions, I am more than happy for him to write to me and I will, of course, respond in due course.

We take our commitment to our workforce exceptionally seriously. That is why we have implemented the single largest pay rise in the history of devolution for our NHS Scotland staff.

The Deputy Presiding Officer: Thank you, cabinet secretary. That concludes the urgent question.

15:38

Meeting suspended.

Committee of the Whole Parliament

[The Convener opened the meeting at 15:40]

The Convener (Alison Johnstone): The Committee of the Whole Parliament will consider stage 2 of the Coronavirus (Extension and Expiry) (Scotland) Bill. For the duration of the proceedings, I am the convener of the committee.

Coronavirus (Extension and Expiry) (Scotland) Bill: Stage 2

The Convener (Alison Johnstone): In dealing with the amendments, members should have the marshalled list and the groupings of amendments. The division bell will sound and proceedings will be suspended for five minutes for the first division of the afternoon. The period of voting for each division will be up to one minute. Members who wish to speak in the debate on any group of amendments should press their request-to-speak buttons or type R in the chat as soon as possible after I call the group. Members should now refer to the marshalled list of amendments.

Before section 1

The Convener: Amendment 1, in the name of Jackie Baillie, is in a group on its own.

Jackie Baillie (Dumbarton) (Lab): Thank you very much, Presiding Officer. I am not sure whether I should call you “Convener” now—I will stick with “Presiding Officer”.

Amendment 1 is my legislative attempt to be just a little bit cheeky. The Government and members will be aware of my frustration with the narrow scope of the bill—a deliberate choice made by the Scottish Government—that has inhibited members lodging amendments of substance to fill policy gaps. Most such amendments have, unfortunately, been ruled inadmissible by the Presiding Officer on the basis of the narrow scope of the bill.

Amendment 1 sets out the purpose of the act to increase its scope, and thus the amendments that could be accepted for debate. The delicious irony is that amendment 1 has been accepted but the other amendments of substance have not. I continue to live in hope, but my experience with the Government is, as Dr Johnson would have said,

“a triumph of hope over experience.”

I move amendment 1.

Murdo Fraser (Mid Scotland and Fife) (Con): I remind members of my entry in the register of members’ interests. I am a member of the Law

Society of Scotland, and I own a property from which I derive rental income.

I thank Jackie Baillie for her bold attempt with amendment 1 to extend the purpose of the bill. I understand exactly where she is coming from and the point that she is trying to make.

In the stage 1 debate yesterday, I set out our concerns about the fact that the bill has been too rushed. There has been no time for consultation or detailed scrutiny. Unlike Jackie Baillie's criticism of the bill, ours is not that it does too little but that it does too much too quickly. What Jackie Baillie is trying to do would exacerbate an existing problem, because she is trying to broaden the scope of the bill to allow more amendments to be lodged on which there has been no consultation and for which there will be no time for detailed parliamentary scrutiny.

For those reasons, I cannot support amendment 1, which would make the problem worse rather than better.

The Deputy First Minister and Cabinet Secretary for Covid Recovery (John Swinney):

This is getting us off to an absolutely fabulous start. It is refreshing to be reminded that Jackie Baillie is, if nothing else, up front in what she does. Murdo Fraser's contribution contrasted with Jackie Baillie's makes me feel that I am between the devil and the deep blue sea in arguing that the provisions of the bill are designed to follow a very narrow purpose, which is to ensure that a number of practical operational factors and provisions that are in place to help us to manage the challenges of Covid are either maintained in statute or expired as a consequence of the bill. Who knows, perhaps more of them will be expired as a consequence of amendments.

I am grateful to Jackie Baillie for her explanation of the purpose of amendment 1, but it is an unnecessary and potentially confusing amendment. The Government's general approach to the drafting of bills is to avoid including purpose sections. We avoid them because they have a legal effect by virtue of their inclusion in a bill, which means that they are open to legal interpretation, and that interpretation may have unintended consequences for other provisions in the bill.

The long title of the bill already makes it crystal clear to the reader what the bill does. I do not think that the addition of a purpose section adds anything. Instead, it introduces an element of uncertainty that I think that it is important that we avoid. For those reasons, I invite Jackie Baillie to not press amendment 1. If she does, I encourage the Parliament to vote against the amendment.

15:45

Jackie Baillie: I am glad that the cabinet secretary described Murdo Fraser as the devil and me as the deep blue sea. I would have worried a little if it was the other way around.

John Swinney: It was a choice!

Jackie Baillie: The cabinet secretary made the right choice in this instance.

I would like to rebut Murdo Fraser's argument. I entirely accept that we are in the middle of a pandemic. We might be seeing light at the end of the tunnel, but we are still in an emergency situation and this is about policy gaps. We are talking about ensuring that people who most need protection are covered by the legislation and that we do not create any policy gaps. I do not agree with the cabinet secretary—he will be surprised to know—that there are consequences of my proposal or that it creates uncertainty. However, in the interests of time and because this is not a point of substance, I am happy to withdraw my amendment 1.

Amendment 1, by agreement, withdrawn.

Section 1—Extension of provisions

The Convener: Amendment 2, in the name of Jackie Baillie, is grouped with amendments 3, 15, 19, 20 and 21.

Jackie Baillie: I rise to speak to amendments 2, 3, 15 and 19 in my name, which are grouped with Murdo Fraser's amendments 20 and 21, which we will support, too. I will address each of them in turn, briefly.

Amendments 2 and 3 would remove the power to extend the provisions to September 2022. Emergency legislation is just that—it is for emergencies. I believe that we have come through the worst of the pandemic. The First Minister believes so, too, given her upbeat statement yesterday. I think that that is something that we all hope is now happening. The vaccine programme is now being rolled out at pace, and restrictions are slowly but surely being lifted. Even pubs are now allowed to open late, if the Euros go to extra time or penalties. Although that is unbelievably inconsistent with the other restrictions that are in place, it is a sign that normality is returning. However, that action is not consistent with an emergency. As it stands, the bill will be extended by six months to April 2022. I do not believe that it is necessary to go beyond that. If there is another emergency, there is time to bring forward legislation at speed to cope with it.

John Mason (Glasgow Shettleston) (SNP): Does Jackie Baillie agree that, all the way through the pandemic, we have kept hoping that things would be finished quicker than they were, and that

problems such as new variants or shortages of vaccine have arisen? Is it not wiser to leave the other six-month period in place?

Jackie Baillie: I genuinely do not think so, because, certainly in the discussions that it had with me, the Government was prepared to consider a shorter extension period. The principle is the thing that applies. At the moment, the extension would be for six months beyond September. I think that that is enough, but it also allows the Parliament time, should there be a need, to bring forward urgent legislation, and it allows this Parliament to scrutinise provisions that give sweeping powers to the Scottish Government and ministers rather than simply rolling them over.

Amendment 15 is about improving scrutiny. It seeks to expire rather than extend the power to use the made affirmative procedure for Scottish statutory instruments in urgent situations. As I said yesterday, I think that the context has changed. Restrictions are lifting, Parliament is sitting and committees are constituted. There is absolutely no reason why regulations should not come before this chamber or before the Parliament. I note that even the United Kingdom Government has agreed to bring changes to be voted on in the House of Commons. If the Conservatives can concede that in an effort to be open and transparent, why is the SNP setting itself a lower standard to meet? Parliamentary scrutiny, openness and transparency are essential for a flourishing democracy. It is time for this Parliament to do its job on behalf of the people who elected us.

Finally, I will not move amendment 19, and will work with the Scottish Government to bring it back at stage 3. Again, the amendment is about improving scrutiny. I want a statement to be made to Parliament before changes are made to measures that are in place to respond to the virus. I entirely accept that 14 days is just a little too long to wait for that and a much shorter timescale is needed to allow for a speed of response.

However, the principle of the amendment is important. Statements must be made to this chamber by ministers. I am not going to speak at length about recent events, in which decisions were made that appear to lack consistency and simply do not make sense. Members will have an opportunity to scrutinise, and that will benefit the Government and our democracy.

I move amendment 2.

Murdo Fraser: I will speak to amendments 20 and 21, in my name, and comment on the amendments in the name of Jackie Baillie. Unlike in the previous group, I am happy to support Jackie Baillie's amendments in this group.

I start with Jackie Baillie's amendments 2 and 3, which she just explained. They remove ministers'

power to extend provisions beyond the initial six months for a further six-month period. If that extension were to go ahead, it would mean that the powers contained in the coronavirus acts that we passed in spring last year will be in place for two and a half years from when they were originally introduced. To put that into context, yesterday the First Minister told Parliament that we were hoping to be in a situation where the great majority of restrictions affecting us would be lifted by the middle of August. I accept that that was a caveated statement, as it was dependent on a number of things, including the data continuing to improve. However, if it proves to be correct, it will mean that the various provisions of the bills that we passed 15 months ago will continue until the end of March next year—about eight months from now. If there were an extension of a further six months, the provisions would extend for a year and one month after the point at which the First Minister has told us that we should be getting back to a degree of normality. I find it really hard to understand why we should be in that situation.

Indeed, if we get to the new year and there is still an argument for the restrictions, the proper way to deal with that would be to bring forward new legislation, instead of just rolling over something that has been rushed through and passed in a desperate hurry. Therefore, I support Jackie Baillie's amendments 2 and 3.

If they are not successful, I intend to move amendments 20 and 21, which are a further safeguard in relation to the additional extension of time. Those amendments require ministers, should they wish to extend for that further six-month period, to give at least 45 days' notice of that intention. Why? That would give us the opportunity to have detailed consultation and debate on the impact of rolling those powers over for a further six-month period. That would be very welcome, in stark contrast to the situation that we have been in over the past few days, where we have had to deal with this bill in a dreadful rush, without having the opportunity for external input and consultation and without time for detailed parliamentary scrutiny.

I am grateful to the Covid-19 review observatory at the University of Birmingham law school, which has input ideas in relation to the bill; I read its submission with great interest.

That is why I have lodged amendments 20 and 21. I am happy to support the other amendments in the group.

Alex Cole-Hamilton (Edinburgh Western) (LD): The outcome of the vote on amendments 2 and 3 will be very important to the Liberal Democrats when it comes to deciding whether to support the bill at stage 3, because they seek to support the fundamental principle that these are

emergency powers—they exist only in the context of an emergency.

We simply do not know what the context or the landscape of the pandemic will look like in 2022. As we all know, coronavirus is unpredictable and it can lead to unimaginable change, but the weathervanes all point to the fact that we might finally be emerging from it, and the roll-out of the vaccine is going well. We have to hope that there will be some version of normality in the near future without the necessity for draconian Government powers hanging over us all.

The bill will allow ministers to extend those powers in a wholesale way to September 2022, by regulation. As I have said before, the existing coronavirus legislation contains powers that are far reaching and, indeed, illiberal. They are necessary only because of the clear and urgent need brought about by the pandemic.

There is no need to extend such powers. As we speak, ministers are showing their ability to legislate quickly. If the Government insists that three days is enough time for scrutiny of a new piece of legislation on this occasion, why could that time not be found again in the new year? I reiterate our support for amendments 20 and 21, in the name of Murdo Fraser, on the same basis.

I am gratified to hear that Jackie Baillie has chosen not to move amendment 19. I look forward to working with her on that at stage 3 because I have a lot of sympathy with her intentions. The amendment would require that a statement be laid before Parliament 14 days before any proposed changes came into force. My party has expressed frustrations with late changes, some of which have been poorly consulted on. There have been times when businesses have spent serious amounts of money preparing for one scenario, only to find themselves plunged into an entirely different situation at the last minute.

However, I share the concern that a requirement for 14 days' notice would not give the Government the flexibility to respond to urgent health threats. If such a rule were to apply to adding countries to the red list, would we be able to respond with the speed required in the event of a new variant emerging? We know that a delay in making such decisions can have serious and far-reaching consequences. The Government has stretched and, at times, overstepped the boundaries in making announcements to Parliament and doing so in good time, but I recognise the need to afford ministers flexibility so that they can respond to serious and fast-moving situations. I am grateful to Jackie Baillie for not moving amendment 19 and I look forward to working with her at stage 3.

John Swinney: I am grateful to Jackie Baillie for her explanation of her amendments, starting

with amendments 2 and 3. Although I understand the rationale behind those amendments, the Government intends to resist them, because they attempt to remove important flexibility from the bill.

As was commented on several times yesterday, we cannot predict the path of the pandemic or how long we may need some of the important measures that are contained in the acts.

Stephen Kerr (Central Scotland) (Con): Will the Deputy First Minister explain what he means by “flexibility”? When they presented their arguments, Jackie Baillie and Murdo Fraser said that, should there still be a need for emergency powers, we would work co-operatively across the Parliament in order to give the Government the powers that it would need in such an emergency. Why is the Government resistant to that? It does not make any sense to someone like me who is listening to this kind of debate for the first time.

John Swinney: We recognise that we are in a very uncertain situation. We are optimistic about the situation—that is obvious—but there are still anxieties. The case numbers today cause me further anxiety. We are not absolutely certain about the course that the pandemic will take and we are therefore not certain of the implications over the coming winter. There may be a requirement for us to use some of the powers over a longer period of time.

I will come on to explain the rationale about the situation that we could face, which could see us having to return to more emergency legislation. I am trying to minimise the recourse to emergency legislation by having sufficient flexibility in the legislation that Parliament passes this week to enable us to address any circumstances that we may face in due course.

It makes no sense to remove a safety net that we may well need, especially because any further extension would require Parliament to scrutinise and approve affirmative regulations. I want to be clear on that point. The bill only enables the Government to ask for Parliament's approval for an extension. It is for Parliament to determine any decision about whether such an extension should be granted.

The Scottish Government remains committed to retaining powers only for as long as they are necessary and appropriate. I remind members that Parliament will, on a bimonthly basis, scrutinise the decisions of this Government in relation to the continued need for measures in the Coronavirus (Scotland) Act 2020 and the Coronavirus (Scotland) (No 2) Act 2020, which this bill proposes to extend. There will therefore be numerous opportunities for Parliament to scrutinise the continued necessity for the provisions.

The removal of flexibility would also have an impact on the timing of a permanence bill, which we will soon consult on. Without that flexibility, the permanence bill would have to be in force by the end of March 2022 to ensure that there is no legislative gap. Parliament would therefore be deliberately choosing to put a deadline on the date by which the bill placing measures on a permanent basis must be enacted.

That does not appear to be consistent with the mood in Parliament, and is likely to have the effect of reducing the amount of time that Parliament will have to scrutinise the bill.

16:00

In addition, if it is necessary to extend the measures further, it could result in another emergency measure, without this power. Parliament will still be able to consider and debate any extension, and the necessity for that, through debate on the regulations. I do not consider an emergency bill designed to achieve the same aim would be an appropriate and effective use of Parliament's time. I therefore ask members not to support amendments 2 and 3, which seek to remove important flexibility, have wider implications for legislative planning, and may necessitate further emergency legislation in six months' time.

I am sure that Jackie Baillie will be glad to hear that the Government is content to support amendment 15, which will expire on 30 September 2021 the provisions relating to scrutiny of subordinate legislation in the Coronavirus (Scotland) Act 2020. The provisions in that amendment relate to allowing regulations to be progressed under the main affirmative procedure rather than the draft affirmative procedure, and therefore enable regulations to be brought into force immediately where necessary, but to remain in force only if parliamentary approval is secured.

As a result of Parliament's willingness to accelerate timetabling of the scrutiny of relevant draft affirmative regulations, it has not been necessary to use those so far. Therefore, although it would be helpful to retain those provisions in case accelerated timetabling of necessary draft affirmative regulations is not always possible, the Government is willing to accept Parliament's view on that matter. For those reasons, I lend my support to amendment 15. However, I wish to make Jackie Baillie aware that, if the amendment is agreed to by Parliament, technical tidying-up amendments will be lodged by the Government at stage 3 to make small consequential amendments.

Although I appreciate the sentiments behind amendment 19, it is, in my view, unworkable, and

much more widely drawn than Jackie Baillie suggests. Obviously, Jackie Baillie has indicated that she will not move that amendment. The effect of that amendment could be to require ministers to lay a statement before Parliament on any change to any measure in response to Covid proposed by any person or authority. I do not think that that is deliverable, or what Parliament would want—nor would it be feasible for ministers to lay such statements 14 days before they are intended to have effect. By its very nature, the pandemic has necessitated urgent action in response to its changing impact. I wish that that were not so, but that is the reality that the Government must deal with, and which is likely to be the case for the foreseeable future.

At every stage during the pandemic, the Government has fully committed to being accountable to Parliament and its committees. We have agreed specific arrangements with the Parliament for the detailed scrutiny of ministerial statements and accompanying regulations. We stand ready to act on any further measures that the Presiding Officer or Parliament consider would assist scrutiny. However, ministers must retain the ability to move at pace where the public health and clinical advice indicates the need for immediate action. On that basis, the Government cannot support amendment 19. However, I am happy to commit to Jackie Baillie and other members that the Government will continue to have dialogue about how best to keep Parliament informed about any significant changes to measures that we consider necessary.

The Government also intends to resist amendments 20 and 21, as they attempt to remove important flexibility from the bill. It has been the Government's view that a fine balance needs to be struck between making available as up-to-date evidence as possible and allowing sufficient time for scrutiny and implementation in order that stakeholders and public bodies can prepare for any changes. Indeed, we have been discussing that matter over the past couple of days. In my view, it is unhelpful for the Government to be unnecessarily constrained by having an arbitrary 45-day deadline imposed. It would instead be more helpful to maintain a balance and necessary flexibility. I therefore suggest that amendments 20 and 21 are unnecessary and invite members not to support them.

Jackie Baillie: I intend to press amendment 2. I will make a couple of comments in closing. I recall that, at Westminster, MPs kicked up such a fuss when the UK act was first extended in September 2020 that the UK Government agreed that, wherever possible, it would bring a debate and vote on new regulations to Westminster before they came into force. It has done that. For

example, the UK Government decided to delay the lifting of lockdown on Monday of last week; MPs voted on the regulations on Thursday, three days later.

In contrast, on 11 June, the Scottish Government made regulations about the social distancing that is required in the fan zone and at Hampden, which MSPs are not voting on until today, after the events have basically happened. We cannot continue to operate in such a way.

I am pleased that the Government will accept amendment 15 on the basis that the provision has not been used at all. That proves that there needs to be better scrutiny by this Parliament, because the Government was simply going to extend an emergency measure that has never been used.

On amendments 2 and 3, I think that scrutiny is important. In my view, there is no need to extend, and no sensible justification for extending, emergency legislation with such sweeping powers for more than six months. As I said to John Mason, in discussion with the Government, a compromise of an extra three months was suggested. That tells me that the Government was prepared to negotiate on whether the extension would be six, nine or 12 months, which does not appear to be based on any scientific approach.

There is no logic to the cabinet secretary's argument when he says that he does not want any more emergency legislation, but that the Government wants the option to extend emergency legislation. If we are coming out of the pandemic, we should not have emergency legislation in place for any longer than is necessary.

We need accountability to the Parliament; therefore, I will press amendment 2 in my name.

The Convener: The question is, that amendment 2 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division. Proceedings will be suspended for the first division of the afternoon.

16:06

Meeting suspended.

16:17

On resuming—

The Convener: Members should cast their votes now.

The vote is closed.

Ariane Burgess (Highlands and Islands) (Green): On a point of order, convener. I did not

realise that we were voting on amendment 2. I would have voted no.

The Convener: Thank you, Ms Burgess. That is noted for the record, but we cannot change the recorded vote.

For

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Balfour, Jeremy (Lothian) (Con)
 Bibby, Neil (West Scotland) (Lab)
 Briggs, Miles (Lothian) (Con)
 Burgess, Ariane (Highlands and Islands) (Green)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Choudhury, Foysol (Lothian) (Lab)
 Clark, Katy (West Scotland) (Lab)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Dowe, Sharon (South Scotland) (Con)
 Duncan-Glancy, Pam (Glasgow) (Lab)
 Findlay, Russell (West Scotland) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallacher, Meghan (Central Scotland) (Con)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Golden, Maurice (North East Scotland) (Con)
 Gosal, Pam (West Scotland) (Con)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Greene, Jamie (West Scotland) (Con)
 Griffin, Mark (Central Scotland) (Lab)
 Gulhane, Sandesh (Glasgow) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Hoy, Craig (South Scotland) (Con)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Kerr, Liam (North East Scotland) (Con)
 Kerr, Stephen (Central Scotland) (Con)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Lockhart, Dean (Mid Scotland and Fife) (Con)
 Lumsden, Douglas (North East Scotland) (Con)
 Marra, Michael (North East Scotland) (Lab)
 McArthur, Liam (Orkney Islands) (LD)
 McNeill, Pauline (Glasgow) (Lab)
 Mochan, Carol (South Scotland) (Lab)
 Mundell, Oliver (Dumfriesshire) (Con)
 O'Kane, Paul (West Scotland) (Lab)
 Rennie, Willie (North East Fife) (LD)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Sarwar, Anas (Glasgow) (Lab)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Smyth, Colin (South Scotland) (Lab)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Sweeney, Paul (Glasgow) (Lab)
 Villalba, Mercedes (North East Scotland) (Lab)
 Webber, Sue (Lothian) (Con)
 Wells, Annie (Glasgow) (Con)
 White, Tess (North East Scotland) (Con)
 Whitfield, Martin (South Scotland) (Lab)
 Whittle, Brian (South Scotland) (Con)
 Wishart, Beatrice (Shetland Islands) (LD)

Against

Adam, George (Paisley) (SNP)
 Adam, Karen (Banffshire and Buchan Coast) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)

Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Brown, Siobhian (Ayr) (SNP)
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)
 Cameron, Donald (Highlands and Islands) (Con)
 Chapman, Maggie (North East Scotland) (Green)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Denham, Ash (Edinburgh Eastern) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Don, Natalie (Renfrewshire North and West) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Dunbar, Jackie (Aberdeen Donside) (SNP)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Gray, Neil (Airdrie and Shotts) (SNP)
 Greer, Ross (West Scotland) (Green)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Gillian (Central Scotland) (Green)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 McAllan, Màiri (Clydesdale) (SNP)
 McKee, Ivan (Glasgow Provan) (SNP)
 McLennan, Paul (East Lothian) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNair, Marie (Clydebank and Milngavie) (SNP)
 Minto, Jenni (Argyll and Bute) (SNP)
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)
 Robertson, Angus (Edinburgh Central) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Roddick, Emma (Highlands and Islands) (SNP)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Slater, Lorna (Lothian) (Green)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Collette (East Kilbride) (SNP)
 Stewart, Kaukab (Glasgow Kelvin) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thomson, Michelle (Falkirk East) (SNP)
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)
 Tweed, Evelyn (Stirling) (SNP)
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Convener: The result of the division on amendment 2, in the name of Jackie Baillie, is: For 55, Against 65, Abstentions 0.

Amendment 2 disagreed to.

Amendment 3 moved—[Jackie Baillie].

The Convener: The question is, that amendment 3 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division. Members should vote now.

Michael Marra (North East Scotland) (Lab): On a point of order, Presiding Officer. My vote appears not to have registered; I would have voted yes.

The Convener: Thank you.

I call Clare Adamson for a point of order.

Unfortunately, we cannot hear you, Ms Adamson, but I can confirm that you did vote.

For

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Balfour, Jeremy (Lothian) (Con)
 Bibby, Neil (West Scotland) (Lab)
 Briggs, Miles (Lothian) (Con)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Choudhury, Foysol (Lothian) (Lab)
 Clark, Katy (West Scotland) (Lab)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Dowe, Sharon (South Scotland) (Con)
 Duncan-Glancy, Pam (Glasgow) (Lab)
 Findlay, Russell (West Scotland) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallacher, Meghan (Central Scotland) (Con)
 Golden, Maurice (North East Scotland) (Con)
 Gosal, Pam (West Scotland) (Con)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Greene, Jamie (West Scotland) (Con)
 Griffin, Mark (Central Scotland) (Lab)
 Gulhane, Sandesh (Glasgow) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Hoy, Craig (South Scotland) (Con)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Kerr, Liam (North East Scotland) (Con)
 Kerr, Stephen (Central Scotland) (Con)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Lockhart, Dean (Mid Scotland and Fife) (Con)
 Lumsden, Douglas (North East Scotland) (Con)
 Marra, Michael (North East Scotland) (Lab)
 McArthur, Liam (Orkney Islands) (LD)
 McNeill, Pauline (Glasgow) (Lab)
 Mochan, Carol (South Scotland) (Lab)
 Mundell, Oliver (Dumfriesshire) (Con)
 O'Kane, Paul (West Scotland) (Lab)
 Rennie, Willie (North East Fife) (LD)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Sarwar, Anas (Glasgow) (Lab)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Smyth, Colin (South Scotland) (Lab)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Sweeney, Paul (Glasgow) (Lab)
 Villalba, Mercedes (North East Scotland) (Lab)
 Webber, Sue (Lothian) (Con)
 Wells, Annie (Glasgow) (Con)

White, Tess (North East Scotland) (Con)
 Whitfield, Martin (South Scotland) (Lab)
 Whittle, Brian (South Scotland) (Con)
 Wishart, Beatrice (Shetland Islands) (LD)

Against

Adam, George (Paisley) (SNP)
 Adam, Karen (Banffshire and Buchan Coast) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Brown, Siobhian (Ayr) (SNP)
 Burgess, Ariane (Highlands and Islands) (Green)
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)
 Chapman, Maggie (North East Scotland) (Green)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Denham, Ash (Edinburgh Eastern) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Don, Natalie (Renfrewshire North and West) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Dunbar, Jackie (Aberdeen Donside) (SNP)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Gray, Neil (Airdrie and Shotts) (SNP)
 Greer, Ross (West Scotland) (Green)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Gillian (Central Scotland) (Green)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 McAllan, Màiri (Clydesdale) (SNP)
 McKee, Ivan (Glasgow Provan) (SNP)
 McLennan, Paul (East Lothian) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNair, Marie (Clydebank and Milngavie) (SNP)
 Minto, Jenni (Argyll and Bute) (SNP)
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)
 Robertson, Angus (Edinburgh Central) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Roddick, Emma (Highlands and Islands) (SNP)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Slater, Lorna (Lothian) (Green)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Collette (East Kilbride) (SNP)
 Stewart, Kaukab (Glasgow Kelvin) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thomson, Michelle (Falkirk East) (SNP)
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)
 Tweed, Evelyn (Stirling) (SNP)

Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Convener: The result of the division on amendment 3, in the name of Jackie Baillie, is: For 54, Against 66, Abstentions 0.

Amendment 3 disagreed to.

Section 1 agreed to.

After section 1

The Convener: Group 3 is on justice. Amendment 4, in the name of Pauline McNeill, is grouped with amendments 6 to 11, 22, 23 and 27.

Pauline McNeill (Glasgow) (Lab): I will speak to amendments 4, 7, 8 and 27, which are in my name, and I will move amendment 4. I begin by asking the Deputy First Minister to acknowledge that, in a rather rushed process, we have all done our best. I thank the legislation team for ensuring that we could draft and lodge our amendments in time.

Amendment 4 seeks to address the welfare of prisoners by hooking in the provision to regulate for early release so that Government would have a far-reaching power to do that. It also seeks to enable discussion of the wider implications of prisoners spending long periods in cells because of coronavirus and concerns about the lack of fresh air for prisoners who cannot get outdoors. The amendment would require the Government to report every two months on the welfare provisions.

Organisations including Amnesty International have already expressed concerns about the length of time that prisoners have spent in prison. Given the human rights responsibilities of the Parliament, some supervision of the conditions in which prisoners are held, particularly when the virus is present in the prison, would be a helpful provision.

Amendments 6 and 7 relate to expiration of the increase to £500 in the value of fiscal fines, and to the extension of time limits. The fine of £500 would, I imagine, be for high-tariff crimes. I would be concerned if that increase were to be permanent, so I wish to probe the issue in debate, and to probe expiration of the extension of time limits for criminal proceedings, which should not be extended.

Before coronavirus, there were already significant delays in the courts, particularly the High Court, with cases going well beyond the 140-day limit that is set out in the Criminal Procedure (Scotland) Act 1995. The first coronavirus legislation suspended certain time limits and had the effect of increasing the maximum time period for an accused person to be held on remand prior to trial. The current bill seeks to extend that period again. I realise that all those time limits are slightly

shorter than those for summary cases. I have expressed extreme concern at the number of people who are held on remand in Scotland, which almost doubled during the pandemic, from 982 to 1,753 between April 2020 and April 2021. Even before the pandemic, we therefore had an issue with the number of people being held on remand.

16:30

The Scottish Government acknowledged that point in January 2020, noting that Scotland has the highest prison population per head in western Europe and that approximately one in five prisoners in Scottish jails were held on remand. Howard League Scotland published a report last month titled "The Scandal of Remand in Scotland" and noted that 57 per cent of people who are held on remand do not go on to be given a prison sentence. There were reports this week as well on women in remand that are concerning.

Amendments 6 and 7 are probing amendments. I realise why the Government would want to extend the time limits, but I ask it to acknowledge that the numbers on remand were a serious issue before the pandemic and that we should be careful about using those powers. I understand why the Government wants to extend those provisions, but it would be welcome if it would note that point.

I have more concerns about amendment 8, which relates to hearsay evidence. I question whether we need the provision on hearsay evidence now, given that there are more opportunities for people to attend court. When we passed the first coronavirus legislation, the Scottish Law Commission noted that the provision would be used only in a narrow set of circumstances. Amendment 8 seeks to expire rather than extend the option for hearsay evidence to be accepted. The rationale for the original coronavirus legislation allowing the use of hearsay evidence was that it would allow evidence by statement where there would be a particular risk to a person's wellbeing from the coronavirus or a particular risk of transmitting the coronavirus to others. However, a statement cannot be cross-examined by the defence and, further, the legislation does not specify whether it would be a witness diagnosed with coronavirus who would use the provision concerned. More important, though, I am not clear whether the provision would be used for the complainer in a trial or for a witness. I hope that the Government can see that, if that provision was more widely used, it would not serve the interests of justice if a complainer provided a statement that could not be cross-examined. I am looking for the Government to say in what circumstances it would be happy for hearsay evidence, which is hardly ever allowed in the courts, to be used.

Amendment 27 seeks more information on how fiscal fines are used. For example, it is unclear what sort of crimes would incur fines of £400 and £500. I want the Government to be clear about that. I would like to see some transparency by the Crown Office and Procurator Fiscal Service about how the powers would be used and for what types of crime. That transparency would be in the interests of justice and fairness.

I am sympathetic to the concerns behind Jamie Greene's amendments 9 and 23, which I am sure I will hear him express in the debate. It would be helpful if the Government could confirm that, when the provisions on the early release of prisoners are used, the prisoners would be near the end of their sentence, the release would be related to a coronavirus outbreak and there would be no intention to use those powers for general prisoner management. The same confirmation would be helpful for payback orders too.

I move amendment 4.

The Convener: I call Jamie Greene to speak to amendment 9 and other amendments in the group.

Jamie Greene (West Scotland) (Con): This is the only set of amendments that I will deal with, so I hope that members will bear with me, as there is a lot of them and there is a lot in them. This is the only opportunity that we will get to talk about the justice-related issues of these emergency powers, so I hope that we give them a good airing accordingly.

I thank members for lodging amendments that I, too, tried to lodge but could not. I thank the parliamentary chamber desk and the legislation team, who have been superb over the past few days and have gone beyond the extra mile to turn what were just concepts into meaningful and workable amendments.

The problem that we identified, as is the case with Pauline McNeill's amendments in this group, is that the only way in which we could bring some of these issues to the table is through the process of revoking or expiring the provisions that the Government seeks to extend. That is far from ideal. We will hear from the Deputy First Minister about some of the unintended consequences of full revocation or expiration of the measures, and I understand why he will make that case—indeed, he probably has a case on some of them.

I caveat my comments by saying that some of the measures were necessary for an emergency footing and some of them may still be necessary as we live through the pandemic. Some of the measures may even have long-term benefits, and I would be the first to admit that, but emergency measures by their very nature cause us to do things differently, and that is most apparent in

relation to our judiciary. That has consequences, and we know from some of the briefings and feedback that we have had from stakeholders that some of the measures have caused concern. It is important that we get those concerns on the table.

We had to make a judgment call about submitting these amendments. The problem was that not submitting them would have meant that there would be no debate on them—then no one gets their voice heard in the *Official Report* or by ministers. In many ways, I would rather have approached the amendments very differently, and I appreciate that they create some technical difficulties.

That is by the by, and I will now address the amendments, starting with amendment 6. Initially, we supported the raising of the fiscal fine limit from £300 to £500, because the case was rightly made at the time that we could deal with a far greater number of cases in that way rather than through formal court proceedings that put more pressure on courts with burgeoning backlogs. This is an important question: what impact has that had on the serving of justice? How many cases that would have been met with harsher measures have been dealt with by administering fines? Has that provision watered down the dispensing of justice in relation to certain types of crimes? The problem is that we do not know—we do not have the data and we have not heard evidence to the contrary. I am minded to support amendment 6 if it is pressed.

Amendment 7 deals with the extension of time limits for prisoners on remand, which is a much bigger issue. I tried to submit an amendment of a similar nature, but it was deemed inadmissible. We took the approach of extending the total number of days that a prisoner can be kept in custody, which was a difficult decision at the time, but the maximum of 140 days was clearly not going to be enough in a number of cases. It is clear that we could not allow a situation in which some prisoners who are accused of very dangerous crimes could be allowed back on to the street before the trial comes to pass.

Like many areas of public service, the justice sector has been hit hard by coronavirus. Howard League Scotland warned us of the problem that the number of Scottish prisoners on remand has grown immensely over the course of the pandemic due to those delays. However, the way to tackle the problem is not simply to let people out of prison but to speed up the processing of those backlogs. I know that the cabinet secretary will tell us what the Government is doing on that, but there are thousands of people who are awaiting trial.

There is an issue with the remand population that I tried to raise at topical questions the other day, and it relates to the shocking suicide statistics

of those on remand. Almost half of all deaths of remand prisoners are suicide; the figure for the general prison population is a third. That is shocking. Howard League Scotland has described that as the scandal of the Scottish Prison Service. Given that Scotland's remand population is double that of England and Wales, how can this endless extension of keeping people on remand deal with the number of people on remand or the nature of remand?

We are faced with an impossible conundrum: nobody wants the automatic release of potentially dangerous criminals on to our streets due to forced expiration of the measures but, equally, we do not want—and should not countenance—endless and limitless remand caused by backlogs of court cases, which is not acceptable or humane.

I turn to amendment 8 and the hearsay provision. It is an important amendment; we have had much feedback on it and it was much debated in the original legislation. The latest briefing from the Law Society of Scotland, which I thank for its information, raised a particular concern about the changes to the Criminal Procedure (Scotland) Act 1995 and the continued changes to hearsay requirements. Under the current emergency measures that the Government plans to extend, a witness in a trial can give evidence but not necessarily be required to give evidence under oath or be subject to cross-examination to test that evidence. That is the key point. The use of untested evidence in criminal trials is extremely problematic and muddies our entire criminal justice process.

Pauline McNeill: As members will have heard, I share Jamie Greene's concerns about that provision. Even the appeal court has been conducted in a virtual setting so, if the Government wants to provide flexibility to allow courts to proceed, it could do so in other ways. Does the member agree that the big question is whether it serves the interests of justice if someone who is accused of a serious crime cannot cross-examine a witness or complainer when an accusation has been made, because a statement cannot be cross-examined?

Jamie Greene: Exactly. On Friday, one lawyer described the situation to me by saying,

"You cannot cross-examine a piece of paper",

and he is absolutely right.

We need to consider where there is a necessity to tolerate the practice on a long-term basis. This is not simply a short-term extension—it is for six or 12 months and potentially even longer, given that we have seen the powers being rolled on and on. The legal profession is saying to us that the practice cannot become the norm and should not be acceptable to us as the norm.

In response to the original proposals, the Faculty of Advocates warned about what the interpretation of the term “reasonably practicable” might be, and the faculty’s briefing at the time said:

“Abandoning the hope of sworn oral testimony is only done as a last resort, knowing that it is at the expense of the quality of that evidence. It is not a step taken lightly.”

We do not know how much the power is being used in practice, because we have not taken evidence on it, which is another by-product of this rushed affair.

I move on to my amendments. To save time, I will cover amendments 9, 10 and 23 together. We need a much wider conversation about the use of community orders, but we will not have that today, as it is a complex matter. However, we need to stimulate proper debate on the issue. The problem that we are faced with today is that we can either approve or revoke the emergency procedures, and in this case neither would be ideal.

In the early stages of the virus, we all got behind the need to reduce face-to-face contact. That made sense, no matter how difficult it was, so the community order provisions made sense at that time. However, we are now 18 months on and we are in a completely different situation. The stay-at-home message has been rescinded, people are mingling outside, seemingly more than ever, and 80 per cent of Scots have received their first dose of the vaccine. Therefore, I argue that there is no excuse for writing off or rescinding community orders and that people should be carrying them out. Unless the cabinet secretary can give clear evidence to the contrary, it seems that there is simply no need for the power to be extended. I believe that community service can be carried out safely if the scientific evidence allows it.

The consequence of the emergency powers is that 300,000 hours of community service have been written off—they are just gone. That will raise eyebrows, not least among those who have been the victims of crime. Social Work Scotland has warned that there is a backlog of 700,000 hours of community service yet to be served within the designated timescale, which it says is impossible. We do not know, but up to 450,000 hours of that might be written off. I ask the cabinet secretary to think carefully about extending the powers. My amendments seek to revoke the powers. No doubt, we will hear that there are issues with that but, nonetheless, I want to probe the Government on the issue, because the measures cannot proceed without debate.

My final points, which are important, are about my amendments 11 and 12 and amendment 4 in the name of Pauline McNeill—we tried to lodge a similar amendment. The amendments are about the early release of prisoners, which is perhaps

one of the more contentious issues and one that my predecessor, Liam Kerr, spoke about in detail. I know that the issue is a concern for the Criminal Justice Committee.

We will support amendment 4, which includes useful and important reporting metrics that would at least give us an indication of the situation. We are again being made to decide on a complex policy matter with a simple yes or no, or keep or do not keep. It does a disservice to the Scottish Prison Service when we execute policy decisions in that manner.

The provision on the early release of prisoners was originally intended to mitigate a health crisis and an emergency in our prisons and I understand the reasons: it allowed the Scottish ministers effectively to grant prisoners early release if they were serving less than 18 months and had fewer than 90 days left in custody on 4 May last year. Members should think about the date and what was going on at the time, especially if the prisoners were at high risk of catching Covid in prison. We supported that provision, perhaps reluctantly, in March 2020, but we had no idea what was facing us.

16:45

Today, we are in a very different situation. We have a tremendous vaccination programme, which is also taking place within the prison population, and the decision to vaccinate prisoners, in line with the Joint Committee on Vaccination and Immunisation recommendations, was valid, although it is unclear how many prisoners have been vaccinated. The average age of a prisoner in Scotland is in the 30s, and more than 70 per cent of those who are in the 30 to 39 population group have had their first jab. Although I think that prisoners pose a far lower infection risk to each other than they did before, any risk that still exists must be addressed and the way to address that is not simply to release prisoners but to deal with prisons on a one-to-one basis and work with the staff and protect them. Again, we will object to the on-going extension of those powers, unless the cabinet secretary can justify them.

With all those measures, I revert to my opening comments. The process is already rushed, and we should not be doing it that way. We should be taking evidence on those important matters that affect our justice system, but we are not able to. Therefore, it is with regret that the Parliament has voted to navigate those complex matters in the way that we are doing, in the few short hours that we have.

Alex Cole-Hamilton: I rise in support of all of Pauline McNeill’s amendments and some of Jamie Greene’s amendments.

The Scottish Liberal Democrats worked hard to highlight the crisis in our prisons, which were unsafe and overcrowded well before the pandemic struck, because the Scottish Government has repeatedly failed to get a grip on the instinct to imprison. I have long supported evidence-based proposals for reducing the prison population by stopping the overreliance on remand and giving confidence to community sentencing options that do not rely on extra bunks in Barlinnie.

The release power was a mechanism that was put in place as part of extraordinary measures, at an extraordinary time, in the interests of health and safety. Fifteen months into the pandemic, with the vaccine roll-out well under way, that threat to health and safety is not what it was and the Government should not get comfortable with the power of executive release, because it is not a sustainable option for the long term. Likewise, options for automatic rebates on community orders do nothing to give confidence in those orders. If there are resource or deliverability issues, as opposed to health and safety issues, they need to be dealt with through proper funding, so that people can be supported to meet the terms of the orders. The legislation cannot be used as a get-out-of-jail-free card for the Scottish Government's failure to properly support Scotland's justice system.

I close with a word in support of amendment 7, in the name of Pauline McNeill, which would disapply the extension of time limits to criminal proceedings. Yesterday, I spoke in the stage 1 debate about the issues of remand that Jamie Greene has eloquently pointed to this afternoon—in particular, the rising population on remand. A rising number of people are going for a plea of convenience by pleading guilty to a crime that they perhaps did not commit, because they know that, otherwise, they will spend longer on remand when waiting for their case to come to trial. We support amendment 7, because we believe that the extension of time limits has caused a drift in the criminal justice system that is no longer acceptable.

John Swinney: Amendment 4 would duplicate reporting that is already undertaken on conditions in prisons. On its website, the Scottish Prison Service already regularly provides updated information on the effects of Covid, including a regular update on the numbers of prisoners who are infected or self-isolating, the number of prison staff who are absent from work due to Covid, and updates on prison operations and policies in response to Covid. There is also already regular reporting to Parliament on the legislation's provisions.

I also fear that amendment 4 would not have the intended effect of requiring Scottish ministers to

produce a report on conditions within prisons every two months. As drafted, the trigger for the report seems to be the use of the release power, so it would not happen unless that power was used again, and there are no current plans to use it. If the power were used, it does not seem proportionate to initiate an on-going reporting requirement that might end up continuing well beyond the period of release, when the context might have significantly changed.

Pauline McNeill: Does the reporting that the cabinet secretary mentioned currently include how often prisoners get to be outdoors and things like that, which I mentioned in my remarks?

John Swinney: I do not think that it will carry systematic volume data, but there will be information on the way in which prisons are able to operate within the context of the current situation. I am happy to write to Pauline McNeill with further detail on that issue.

If ministers considered it necessary in future to make use of the early release power, specific regulations would have to be presented to Parliament on the proposed process, which would have to demonstrate why the action was considered necessary and proportionate and how it would support the effective operation of prisons and protect the health of prison staff and prisoners. I therefore urge members to reject amendment 4.

Amendment 6 seeks to expire on 30 September 2021 paragraph 7 of schedule 4 to the Coronavirus (Scotland) Act 2020. That provision increased the maximum available fiscal fine from £300 to £500 and introduced a new scale of fixed penalties to give practical effect to that measure. The measure, which has been in force since 7 April 2020, represents a small but important part of the wider response to the on-going recovery of the justice system from the significant impacts of coronavirus, which is expected to last for a number of years, and certainly beyond 30 September.

The increase of the available upper limit of fiscal fines from £300 to £500 has allowed a greater number of cases to be diverted from summary court proceedings without the need for court procedure and associated appearance at court. That has, crucially, freed up the courts and prosecutors to deal with more serious cases and eased the burden on the courts during a time of significant resource pressure as a result of coronavirus.

As members are aware, there remains a significant backlog of cases in the court system as a result of the coronavirus outbreak, and retaining the Crown Office and Procurator Fiscal Service's ability to divert a greater number of cases from the

courts through the measure is an important and proportionate part of the wider approach to enabling the justice system to recover from the impact of coronavirus.

Jamie Greene: Therein lies the issue. We are using emergency legislation to extend what are extraordinary measures. I am not saying that I do not support what has been achieved through the measure; the problem is that, as the cabinet secretary said, the backlog could take a number of years to clear, far beyond even the longest extension of the legislation. Would it not be proper and prudent for the Government to produce fuller proposals and for Parliament to debate the matter properly so that such measures become long term with the overt approval of Parliament rather than through emergency legislation?

John Swinney: I think that we are in danger of repeating ourselves. Of course, Mr Greene is perfectly entitled to repeat points that have already been aired in debates, including yesterday, on the approach that the Government has taken. Through the bill, the Government is trying to take forward a number of practical measures that are necessary to cope with the disruptive impact of Covid on public services.

Mr Greene and I can agree that there is a backlog of court business—that is beyond dispute. With the benefit of legislation that the Parliament has already passed—and had reports on—over the past 15 months, the Government is trying to continue the practical, mitigating approaches that are in place, which Parliament has already agreed to, where that is justifiable.

The justification here is that there remains a significant backlog of court cases. The provision contains sufficient flexibility to deal with that, and it could exist for a further 12 months after 30 September if Parliament agrees first to the bill and then to a renewal after six months. However, if there needs to be consideration of longer-term provisions beyond that time, the permanence bill, which we will consult on over the summer and take forward in the normal parliamentary sequence, as I assured Mr Fraser yesterday, could be a place for that to be undertaken.

I agree with Mr Greene, in that I do not think that this is a desirable long-term provision, but we need it now because of the backlog in the courts. The reassurance for Mr Greene is that, in accordance with guidance issued by the Lord Advocate, the measure will be used only where independent prosecutors consider such action to be appropriate in the public interest, having regard to the facts and circumstances of each case.

Safeguards are built into the operation of fiscal fines, which are not mandatory penalties. Anyone who is offered a fiscal fine as an alternative to

prosecution may refuse such an offer by giving notice to the court to that effect. In such an event, the refusal is treated as a request by the alleged offender to be prosecuted for the offence, in which case the procurator fiscal decides what action to take in the public interest.

The measure allows, where appropriate, for a greater range of cases to be dealt with outwith the court setting. It remains an important part of the on-going recovery of our justice system from the impacts of coronavirus. I therefore invite Pauline McNeill not to move amendment 6.

Amendment 7 seeks to expire the provisions suspending certain time limits that are contained in the Criminal Procedure (Scotland) Act 1995. It might be helpful if I explain to members why the suspension of the time limits will continue to be important in enabling the justice system to recover from the effects of the pandemic, even after the immediate impact of coronavirus has abated.

The purpose of the provisions is to preserve scarce court resource from having to be used to extend time limits in individual cases. Expiring the provisions will not, in itself, provide any additional court capacity or result in anyone's case being heard any more quickly than is currently the case; indeed, it could have the opposite effect. As members may be aware, almost all the time limits in question can be extended, case by case, on application to the Crown Office. The changes were made following discussion with justice agencies, which noted that, at a time of significant pressure on court resources, it would not have been an efficient use of court time to have to hold individual case hearings in potentially hundreds, if not thousands, of cases. That reasoning is the basis on which an extension to the effect of the changes is being sought in the bill.

It is anticipated that the resource pressures caused by the backlog will last for a number of years. Retaining the suspension periods as part of the operation of time limits is a policy that is designed to adapt to a changing environment. Over time, as steps are taken to reduce backlogs in the criminal justice process, it is expected that the suspension periods will not be needed to be used as extensively when someone is subject to court proceedings, and that when they are needed, they should not need to be used to their maximum extent. The numbers involved should reduce each year, but it is crucial that flexibility is retained to allow for effective and efficient prioritisation throughout the recovery and renewal period for the processing of court cases. I therefore invite Pauline McNeill not to move amendment 7.

Amendment 8 seeks to expire the provision that allows the court to admit evidence by statement when a witness is unable to attend the trial

because of a risk attributable to coronavirus, for example because they are self-isolating or shielding, and when it is not reasonably practicable for them to give evidence in any other competent manner. That legislative change helps to minimise the impact of the outbreak on the ability of courts to proceed with trials, and so ensure that the justice system continues to operate as effectively as possible. It is especially important at a time when a number of people are required to self-isolate.

It should be remembered that section 259 of the Criminal Procedure (Scotland) Act 1995 already permits statements to be used in evidence in court when a person is, among other things, unfit to give evidence. However, that provision does not cover people who are unable to attend court because they are self-isolating for public health reasons. The measure should be considered along with the provisions that allow witnesses to give evidence remotely.

Evidence by statement would only ever be admissible where the witness could not give evidence in a competent manner. Someone who is self-isolating cannot easily be in contact with others, which includes when giving evidence remotely, as the courts would not generally permit evidence to be given remotely without safeguards through the presence of others to ensure that evidence was being given in a fair manner.

Pauline McNeill: My concern is that the provision does not seem to apply exclusively to a witness or a complainer who is isolating. I can understand why the cabinet secretary might want the provision, but can he confirm that the power would not generally be used when someone was not fit to attend? Some of the lawyers I have spoken to say that the provision is not specific in its drafting. That is only part of the concern, but it is a concern.

17:00

John Swinney: I will reflect on that point and take some further advice. The body of the argument that I am putting forward is that the provision would be utilised only where it was impossible for evidence to be given in a competent manner. I think that that is the crucial test. Our court system operates on the assumption and presumption that evidence is given in a competent manner. Therefore, the provision would not be utilised unless there were very limited circumstances that surrounded the giving of evidence in a particular case.

To complete the point that I was making before I accepted the intervention, it is not the case that a person could simply give evidence from their home, because safeguards would have to be in

place to ensure that evidence was being given in a fair manner.

Judges will assess the weight to be attached to evidence introduced by statement and may be expected to take into account the fact that it has not been given on oath or subject to cross-examination. Where evidence in the form of a statement is introduced in a jury trial, the judge is obliged to give a warning to the jury that the evidence was not given on oath and was not tested by cross-examination. In appropriate cases, a judge may disregard such evidence or direct a jury to disregard it. Nothing in the provision detracts from the duty of the court to consider the fairness of the trial and to keep the fairness of the trial under review, which I think is the significant reassurance that Pauline McNeill requires. On the basis of that assurance, I invite her not to move amendment 8.

Jamie Greene: I am sorry to prolong the debate, but it is an important matter. The cabinet secretary's statement might offer reassurance to members in the chamber but it does not offer reassurance to the Law Society of Scotland, which stated explicitly:

"We cannot ... support the extension of hearsay provisions"

as detailed by the Government. What does the cabinet secretary say to the Law Society of Scotland?

John Swinney: Obviously, there are many issues on which we find common ground with the Law Society of Scotland, which is an important commentator on these questions. What we are trying to do is to put in place measures as part of a number of steps to try to address the substantive court backlog problem that we must address for all the legitimate reasons that Mr Greene and Pauline McNeill have raised about the remand situation, which is of concern to all of us, regardless of our perspective in this debate.

Amendments 9 and 10 would expire the provisions in the bill relating to community orders. Although all powers relating to community orders in the 2020 act are exceptional, significant risk and uncertainty remain, and the provisions are necessary to ensure that justice social work services do not become overwhelmed, especially as new orders from courts increase as the backlog is addressed.

A number of provisions relating to community orders are being expired, and those that are being retained are necessary at this time. We are seeking to retain the provisions that extend the time limit for the completion of unpaid work or other activity requirements in community payback orders to 12 months from the date when the order was imposed, or such longer period that the court

specifies in the order. If amendment 9 were agreed to, the time periods would revert to three months for level 1 unpaid work or other activity requirement and six months for level 2 unpaid work or other activity requirement. That would put additional strain on the system at a time when significant pressures remain. It would also require lower-level orders to be prioritised, as they would have shorter timescales. We are also seeking to retain a power to allow for regulations to be made by Scottish ministers to vary or revoke requirements imposed on community payback orders. Amendment 10 would expire that power.

Regulations to reduce unpaid work requirements in existing community payback orders by 35 per cent, with exceptions for domestic abuse, sexual offending and stalking, were scrutinised and approved by Parliament. All existing orders imposed up to and including 15 March were reduced. The regulations did not affect orders made after 15 March.

Amendment 23 seeks to revoke those regulations, which is surprising given that they were approved by Parliament so recently and have already taken effect. The regulations are a proportionate measure that has helped to address the unavoidable build-up of unpaid work resulting from essential public health restrictions while ensuring that those on community orders still serve the majority of their sentence.

Amendment 10 would prevent the Government from implementing a similar measure up to March 2022, if it considered it necessary and proportionate to ease the pressure on the system.

To aid Covid-19 recovery work in 2021-22, approximately £11.8 million has been allocated for use by justice social work services to directly address the impact of the pandemic. Although the regulations and the funding mitigated risks to the system, there remains a risk of community justice services being overwhelmed, as unpaid work simply cannot be delivered in reasonable timescales due to necessary public health restrictions and increasing demand.

Current advice from justice partners suggests that such a scenario of court disposal capacity exceeding community justice capacity in the months ahead is a realistic prospect, and it therefore presents an on-going risk. Although the Scottish Government is working with national and justice partners to mitigate the risk as far as possible, it is important to extend the provisions as set out in the bill to ensure that there is flexibility in the system in case it is required. I assure members that there are no current plans to use those powers.

Social Work Scotland states that it supports the extension of the proposals as outlined in the bill,

noting that justice social work continues to face a significant challenge due to the pandemic and that the extension will ensure that, should there be a resurgence of Covid-19, action can be taken swiftly to mitigate any further impact.

I urge members to reject amendments 9, 10 and 23, which are in Mr Greene's name.

I thank Pauline McNeill for her amendment 27, which would introduce a statutory requirement for a one-off report on the use of fiscal fine powers. I accept in principle the policy that lies behind the amendment, but I ask her not to move it, and I commit to developing a revised amendment that takes account of the following concern.

As drafted, the amendment would require the Scottish ministers to comment on the appropriateness of the use of fiscal fine powers by the Lord Advocate. As members will know, the Lord Advocate carries out prosecutorial functions entirely independently of any other person, and it would not be appropriate for such comments to be made by Scottish ministers.

However, I accept the rest of the amendment in principle. It would provide a useful one-off report on the usage of fiscal fine powers, to complement the reporting that the Lord Advocate gave directly to the Justice Committee. I understand that the Lord Advocate agrees with the approach and I hope that Pauline McNeill is also content with it. I will develop a revised amendment for consideration at stage 3 tomorrow.

I urge members to reject amendments 11 and 22. Amendment 11 would remove the only power of emergency release from prison that exists, and would do so during an on-going pandemic. That power has been needed once and, although we have no plans to use it again, expiring it would be an imprudent action, given the uncertainty about the on-going impact of coronavirus.

Amendment 22 would revoke two existing regulations that have been laid under that power. Revoking the Release of Prisoners (Coronavirus) (Scotland) Regulations 2020 would have absolutely no impact, given that the time periods that were set in them are long past. Revoking the Criminal Justice (Miscellaneous Temporary Modifications) (Coronavirus) (Scotland) Regulations 2020, would remove the changes that were made to extend victim notification to cover release arrangements. Therefore, I urge members to reject amendment 22.

I offer my apologies, Presiding Officer, for detaining Parliament for so long on this important and detailed grouping.

The Convener: I call Pauline McNeill to wind up and press or withdraw amendment 4.

Pauline McNeill: I begin by agreeing with Alex Cole-Hamilton and Jamie Greene that this has been a very rushed process. In some ways, what we are trying to do is impossible, because on the one hand we are trying to defend the interests of justice, and on the other we understand some of the issues facing the Government in relation to managing the courts.

I will first address amendment 6, on fiscal fines. The cabinet secretary says that fiscal fines enable a greater number of cases to be diverted. We do not know what kinds of crime those cases would involve, but the use of fiscal fines would be based on recovery from coronavirus.

I note that the cabinet secretary said that retaining the provision would not be desirable in the longer term. That is an important statement to me.

I do not support the general increase of fiscal fines to £500. If I can be so bold as to differ with the Lord Advocate, I imagine that fiscal fines of £500 would be used to deal with fairly high-tariff crime. The Parliament would have a legitimate interest if fiscals were issuing fiscal fines for what we regard as serious crime. Members may say that that might never happen, but I would say that it is quite legitimate for the Parliament to have an interest in that for the reason that I have given. However, if the cabinet secretary is indicating that the provision will be used primarily in Covid times, I am less concerned about it.

Amendment 7 relates to time limits. I think that Jamie Greene said that we are in an impossible position, and I agree with him.

On the one hand, I am very exercised about long delays to court proceedings, not just for the accused but for victims, and I am generally not happy about extending time limits. However, I appreciate that there are difficulties finding court venues across the country that are suitable for social distancing. I have some sympathy with that, but I remind Parliament that the law says that someone in custody awaiting trial should wait no longer than 140 days. Shortly after our discussion of the bill, we will need to think about how we can return to that provision, which, after all, is the current law.

In relation to reporting procedures, I seek to withdraw amendment 4, on the basis that the cabinet secretary will write to me on that specific issue. He said that the amendment duplicates existing reporting mechanisms in Scottish prisons. I would like to hear from him about whether prisoners are getting out of their cells and outdoors, particularly in light of coronavirus.

I will move amendment 8, on hearsay. I listened to what was said about the hearsay principle helping to minimise disruption. Given that section

259 of the Criminal Procedure (Scotland) Act 1995 already permits hearsay evidence on application to the court when a person is not fit to give evidence, the provision that amendment 8 seeks to expire is not needed. I know that the cabinet secretary will return to the point, but it does not seem, from the wording in the legislation, that that provision is to be used for exclusively for evidence from those who are isolating due to coronavirus.

Hearsay evidence is seldom used in the courts, and section 259 is not used often, but the provision is dangerous and, for the reasons outlined by Jamie Greene, we must be very careful about its use. In the interests of justice, and to be absolutely fair to the accused, any statement can be cross-examined. I realise that the provision is intended only for extreme circumstances, but given that relevant provisions already exist, I will move amendment 8.

Amendment 4, by agreement, withdrawn.

The Convener: Amendment 5, in the name of Mark Griffin, is grouped with amendments 16 and 24.

Mark Griffin (Central Scotland) (Lab): I draw members' attention to my entry in the register of interests, which shows that I am an owner of a rental property in North Lanarkshire.

In the stage 1 debate yesterday, I highlighted guidance issued by the United Nations special rapporteur on the right to adequate housing, which states:

"Housing has become the front line defence against the coronavirus."

At all points of the pandemic, the key public health advice to people has been to isolate at home, no matter whether they have symptoms, have been in close contact with a confirmed case or have Covid 19. With that in mind, I lodged amendments that would have extended the eviction ban to level 1 and 2 areas to protect those threatened with eviction, through no fault of their own, due to a global pandemic, and to protect their ability to isolate at home under any of those circumstances. However, because of the way that the Government has drafted the bill, those amendments have been deemed out of scope. Since Jackie Baillie's amendment 1 has been withdrawn and the Deputy First Minister talked yesterday about supporting policies raised by Opposition members that can be taken forward without the need for legislation, I hope that the eviction ban is at the top of his list.

In the absence of an ability to amend the bill to include a ban, I lodged amendment 5, which would require ministers, for as long as the legislation is in force, to report on the efficacy of measures to protect tenants in Scotland from eviction. The

amendment would hold the Scottish ministers accountable for their policy decisions in that area and place the reporting requirement on a statutory footing that would ensure that the Parliament was fully aware of the effect of the Government's decisions on some of the people made most vulnerable by the effects of the pandemic.

17:15

I turn to the other amendments in the group. The Scottish Government's £10 million tenant hardship loan fund was supposed to help people to avoid the risk of losing their home because of pandemic-related financial pressures. However, so far, only £490,000 has been paid out. Putting people into more and more debt is also not a viable solution to their housing debt. We have repeatedly called for the loan fund to be converted into a grant fund, and we welcome yesterday's Government announcement to do just that.

Amendments 16 and 24 should be considered together as a package. If amendment 16 is agreed to but amendment 24 is disagreed to, tenants will be in a weaker position and I want to avoid that. Amendment 16 would expire all the pre-action checks that landlords must complete, under the current legislation, before raising a notification of proceedings against a tenant. However, amendment 24 would replace those provisions with a requirement that notices of proceedings against tenants cannot be raised until they have received a grant from the Government to pay off their rent arrears. The amendment would also give a statutory basis to the tenant hardship grant fund that the Government announced yesterday.

The amendments have been lodged with the intention of supporting tenancies and ensuring that individuals and families are able to comply with one of the most important pieces of public health advice during the pandemic: isolate at home. I ask members to support all the amendments in the group.

I move amendment 5.

Murdo Fraser: The question of tenants' rights and the evictions ban was subject to significant debate during stage 1 consideration of the bill yesterday. We have been clear that we support the provisions in the legislation that was passed last year to protect tenants, including the requirement of a six-month notice period prior to a landlord commencing proceedings for eviction, because it is right that tenants who are in financial difficulty get additional support while the Covid pandemic is impacting on the economy and people's incomes. We would support the continuation of that six-month notice period for as long as that was appropriate.

However, we recognise that concerns have been expressed by many groups about the long-term impact of an evictions ban being in place. We have had representations from registered social landlords, including the Glasgow and West of Scotland Forum of Housing Associations, which have pointed out the unintended consequences of a long-term ban. Those voices are right to point out that an evictions ban is not a solution to the problem; it simply postpones the problem. The solution to the problem is to provide better financial support for tenants so that they are able to reach an agreement with their landlord about paying rent arrears. In that respect, I agree with Mark Griffin about the inadequacy of the loan fund, and I welcome yesterday's announcement from the Deputy First Minister about the new grant scheme, although we do not yet have any details of how it will work.

I turn to Mark Griffin's amendments. Amendment 5, on additional reporting, seems reasonable, but I will listen to the Deputy First Minister's response to it. As it stands, amendment 16 would remove protections from tenants, although I hear what Mark Griffin said about that amendment being tied in with amendment 24.

However, amendment 24 seems very prescriptive in its terms. It refers to a grant scheme that has not yet been established. We do not know what the terms of the grant scheme will be. We do not know how generous it will be. We do not know whether it is realistic, as amendment 24 suggests, for every tenant to receive a grant that is equal to the full amount of the rent arrears that have been accrued. I do not know whether any assessment has been done on the amount of money that would be involved in that. It seems premature, at best, to tie the question of evictions to access to a fund of which we have no details.

Although I welcome Mark Griffin's approach and the debate, we would struggle to support amendments 16 and 24 as they are drafted.

Jackie Baillie: I am grateful for the opportunity to speak in support of amendments 5, 16 and 24, in the name of Mark Griffin. An evictions ban that applies to all levels of Covid restrictions has been a central ask of the Scottish Labour Party for many weeks now.

It is disappointing that the amendment to give effect to it has been ruled inadmissible, largely because the Scottish Government has quite deliberately made the legislation very narrow in its intent, such that many of the amendments that we and others sought to lodge were out of scope.

The cabinet secretary points to a permanence bill, but the timescale for it is not altogether clear, and there will be a legislative gap in protection. Eviction orders are before the courts now, and

people could be in danger of losing the roofs over their heads, all because the protection applies only in levels 3 and 4, when it should apply in all levels while the restrictions continue, the economy is still struggling and people are about to come off furlough without knowing whether they have a job to return to.

Things are financially precarious and, on that basis, I welcome John Swinney's response to Labour's demands to turn the tenant hardship fund from a loan fund to a grant fund. We know that the loan fund was not fit for purpose, given that it disbursed less than 5 per cent of the money that was available, and it rejected double the number of applications that it approved. When the Government does the right thing, praise is deserved, but the cabinet secretary needs to urgently tell members what the criteria for the fund will be, when it will be operational, whether it will convert the small number of loans that have already been made into grants, and whether, in the interim, it will defer loan repayments.

It is important that people who are in debt and who are struggling are not saddled with more debt. If we are to prevent people from losing their homes, there is no time to waste in setting up the fund, and no barriers should be put in the way of people's access to it

Amendment 5 asks the Government to report on evictions. It is a much weaker amendment than we wanted, but it is the only version that would be considered admissible. I say to the Government that amendment 5 is critical, because we need to work harder to understand what is happening with evictions, and use the fund to prevent evictions when they are matter of hardship due to Covid.

I urge members to support amendments 5, 16 and 24 in Mark Griffin's name.

John Swinney: Amendment 5 seeks to amend the Coronavirus (Scotland) Act 2020 by placing an additional reporting requirement on the Scottish ministers in relation to the operation of schedule 1 to the act, on eviction from dwelling houses. Subsection (1) of the section that amendment 5 would introduce is drawn widely, and it is unclear whether it refers to adequate "protection for tenants" on social, economic or health grounds.

Subsection (1) would also require the Scottish ministers to set out any

"limitations in protection for tenants"

that are encountered—which provision is also widely drawn—together with the reasons why such limitations exist. That would make the reporting requirement cumbersome and, in some cases, potentially impossible to comply with.

In addition, much of the information is already publicly available and is included in the bimonthly

reports that are and will continue to be produced for the schedule 1 provisions. For example, the bimonthly reports set out how many orders to evict have been issued by the First-tier Tribunal for Scotland housing and property chamber, as well as levels of rent arrears in the social rented sector. However, we are always seeking to improve the data that we collect, and the Scottish Government is working with local authorities and the Society of Messengers-at-Arms and Sheriff Officers in order to collect new data to better understand what evictions are taking place across the country and for what reasons.

As we develop new sources of data, they will be reflected in bimonthly reports and I would be happy to discuss some of the issues and how we can enhance the reporting with Mr Griffin and other interested members to ensure that the reports that we supply to the Parliament for scrutiny meet the legitimate aspirations for information that Mr Griffin has highlighted today.

In its dashboard report, the Scottish Housing Regulator already reports on the number of notices and proceedings that have been issued to tenants in social housing, and on the total value of rent arrears in the social housing sector that have accumulated during the reporting period. For those reasons, I do not think that it is necessary to proceed with amendment 5 and I urge members not to support it.

I am surprised that Mr Griffin has lodged amendment 16, which would expire the pre-action requirements for rent arrears on the one hand but, through amendment 24, seek to preserve them until such time as all tenants who are applying for or receiving a loan under the tenant hardship loan fund have received a grant for their rent arrears. Amendment 24 appears to be designed to enable the continuation of pre-action requirements until such time as all tenants in Scotland have all their rent arrears paid by the grant from the Scottish Government or another body. In any event, amendment 24 would be time limited because the Coronavirus (Scotland) (No 2) Act 2020 will, by virtue of the current bill, expire either in March 2022 or September 2022.

We will make sure that everyone who is in receipt of a loan through our tenant hardship loan fund is made aware of the £10 million tenant grant fund that I announced yesterday. If people who are in receipt of a loan are eligible for a grant, they will be able to take that up.

Mr Fraser made the fair point that, in relation to the details of the tenant hardship loan fund, amendment 24 is rather premature. We intend to consult stakeholders over the summer and introduce the grant fund later in the year. Again, I would be prepared to engage with members—as would the Cabinet Secretary for Social Justice,

Housing and Local Government—about the approach to the tenant hardship loan fund.

The pre-action requirements formalise the steps that all landlords should be taking to support tenants who have accrued rent arrears, which is why we committed in “Housing to 2040”, our long-term national strategy for housing, that we would take steps to place pre-action requirements on a permanent footing. The move to introduce pre-action requirements permanently has been broadly welcomed by tenant and landlord representatives alike. I confirm that our consultation on a permanence bill will seek views on making the pre-action requirements permanent, to prevent any gap until that bill is superseded by any future housing bill. Jackie Baillie raised the issue of the timescale on the permanence bill. We are consulting on the bill over the summer and the Parliament will then scrutinise it after the summer recess.

Mr Griffin’s amendments to expire the pre-action requirements on the one hand and to continue them, in effect, on the other are therefore unnecessary. In addition, they would introduce complexity for tenants and landlords as to when the pre-action requirements actually apply. That complexity does not currently exist, so I ask members to reject amendments 16 and 24.

Mark Griffin: I take on board members’ comments about this group of amendments and I concede that they are not ideal. We are left in this situation because of how the bill has been drafted. We would like to have lodged amendments that extended the ban on evictions to level 1 and 2 restriction areas, but that has not been possible.

I take on board the points that the Deputy First Minister makes about amendment 5 and the range of support mechanisms that are already in place. I will seek to withdraw amendment 5, and I will consider the Deputy First Minister’s points and have discussions between now and the deadline for lodging stage 3 amendments to consider whether it would be appropriate to lodge amendment 5 again.

On amendments 16 and 24, as I said earlier, I would not want amendment 16 to pass if amendment 24 failed. The intention of the amendments is to ensure, as much as possible, that while the emergency powers are still in place, no evictions can be carried out until the grant fund is put in place. Again, I have listened closely to the Deputy First Minister’s points and will review the amendments overnight, with a view to potentially lodging them again, so I will not move amendments 16 and 24.

The Convener: Can I confirm that you seek to withdraw amendment 5?

Mark Griffin: Yes, that is correct.

Amendment 5, by agreement, withdrawn.

Section 2—Expiry of provisions

Amendments 6 and 7 not moved.

Amendment 8 moved—[Pauline McNeill].

The Convener: The question is, that amendment 8 be agreed to. Are we agreed?

Members: No.

17:30

The Convener: There will be a division. Members should cast their votes now.

Sarah Boyack (Lothian) (Lab): On a point of order, Convener. My digital machine did not pick up my vote; if I had been able to vote, I would have voted yes.

The Convener: I will ensure that that is recorded.

Oliver Mundell (Dumfriesshire) (Con): On a point of order, Convener. My device would not let me vote. I would have voted yes.

The Convener: I will ensure that that is recorded.

Pam Duncan-Glancy (Glasgow) (Lab): On a point of order, Convener. My vote did not register. I would have voted yes.

The Convener: I will ensure that that is recorded.

Stephanie Callaghan (Uddingston and Bellshill) (SNP): On a point of order, Convener. My device did not record my vote. I would have voted no.

The Convener: I will ensure that that is recorded.

The Cabinet Secretary for Health and Social Care (Humza Yousaf): On a point of order, Convener. My app was not working either, and I would have voted no.

The Convener: I will ensure that that is recorded.

For

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Balfour, Jeremy (Lothian) (Con)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Briggs, Miles (Lothian) (Con)
 Burgess, Ariane (Highlands and Islands) (Green)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Chapman, Maggie (North East Scotland) (Green)
 Choudhury, Foyso (Lothian) (Lab)

Clark, Katy (West Scotland) (Lab)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Dowey, Sharon (South Scotland) (Con)
 Duncan-Glancy, Pam (Glasgow) (Lab)
 Findlay, Russell (West Scotland) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallacher, Meghan (Central Scotland) (Con)
 Golden, Maurice (North East Scotland) (Con)
 Gosal, Pam (West Scotland) (Con)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Greene, Jamie (West Scotland) (Con)
 Greer, Ross (West Scotland) (Green)
 Griffin, Mark (Central Scotland) (Lab)
 Gulhane, Sandesh (Glasgow) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Harvie, Patrick (Glasgow) (Green)
 Hoy, Craig (South Scotland) (Con)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Kerr, Liam (North East Scotland) (Con)
 Kerr, Stephen (Central Scotland) (Con)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Lockhart, Dean (Mid Scotland and Fife) (Con)
 Lumsden, Douglas (North East Scotland) (Con)
 Mackay, Gillian (Central Scotland) (Green)
 Marra, Michael (North East Scotland) (Lab)
 McArthur, Liam (Orkney Islands) (LD)
 McNeill, Pauline (Glasgow) (Lab)
 Mochan, Carol (South Scotland) (Lab)
 Mundell, Oliver (Dumfriesshire) (Con)
 O’Kane, Paul (West Scotland) (Lab)
 Rennie, Willie (North East Fife) (LD)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Sarwar, Anas (Glasgow) (Lab)
 Simpson, Graham (Central Scotland) (Con)
 Slater, Lorna (Lothian) (Green)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Smyth, Colin (South Scotland) (Lab)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Sweeney, Paul (Glasgow) (Lab)
 Villalba, Mercedes (North East Scotland) (Lab)
 Webber, Sue (Lothian) (Con)
 Wells, Annie (Glasgow) (Con)
 White, Tess (North East Scotland) (Con)
 Whitfield, Martin (South Scotland) (Lab)
 Whittle, Brian (South Scotland) (Con)
 Wishart, Beatrice (Shetland Islands) (LD)

Against

Adam, George (Paisley) (SNP)
 Adam, Karen (Banffshire and Buchan Coast) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Brown, Siobhian (Ayr) (SNP)
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Denham, Ash (Edinburgh Eastern) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Don, Natalie (Renfrewshire North and West) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Dunbar, Jackie (Aberdeen Donside) (SNP)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)

FitzPatrick, Joe (Dundee City West) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Gray, Neil (Airdrie and Shotts) (SNP)
 Harper, Emma (South Scotland) (SNP)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 McAllan, Màiri (Clydesdale) (SNP)
 McKee, Ivan (Glasgow Provan) (SNP)
 McLennan, Paul (East Lothian) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNair, Marie (Clydebank and Milngavie) (SNP)
 Minto, Jenni (Argyll and Bute) (SNP)
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)
 Robertson, Angus (Edinburgh Central) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Roddick, Emma (Highlands and Islands) (SNP)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Collette (East Kilbride) (SNP)
 Stewart, Kaukab (Glasgow Kelvin) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thomson, Michelle (Falkirk East) (SNP)
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)
 Tweed, Evelyn (Stirling) (SNP)
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Convener: The result of the division is: For 62, Against 59, Abstentions 0.

Amendment 8 agreed to.

Amendments 9 and 10 not moved.

Amendment 11 moved—[Jamie Greene].

The Convener: The question is, that amendment 11 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division. Members should vote now.

The vote has closed.

Humza Yousaf: On a point of order, Convener. Apologies, I got the error message. I would have voted no.

The Convener: Thank you. We will ensure that your vote is recorded.

For

Balfour, Jeremy (Lothian) (Con)
 Briggs, Miles (Lothian) (Con)
 Burnett, Alexander (Aberdeenshire West) (Con)

Cameron, Donald (Highlands and Islands) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Dowey, Sharon (South Scotland) (Con)
 Findlay, Russell (West Scotland) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallacher, Meghan (Central Scotland) (Con)
 Golden, Maurice (North East Scotland) (Con)
 Gosal, Pam (West Scotland) (Con)
 Greene, Jamie (West Scotland) (Con)
 Gulhane, Sandesh (Glasgow) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Hoy, Craig (South Scotland) (Con)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Kerr, Liam (North East Scotland) (Con)
 Kerr, Stephen (Central Scotland) (Con)
 Lockhart, Dean (Mid Scotland and Fife) (Con)
 Lumsden, Douglas (North East Scotland) (Con)
 McArthur, Liam (Orkney Islands) (LD)
 Mundell, Oliver (Dumfriesshire) (Con)
 Rennie, Willie (North East Fife) (LD)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Webber, Sue (Lothian) (Con)
 Wells, Annie (Glasgow) (Con)
 White, Tess (North East Scotland) (Con)
 Whittle, Brian (South Scotland) (Con)
 Wishart, Beatrice (Shetland Islands) (LD)

Against

Adam, George (Paisley) (SNP)
 Adam, Karen (Banffshire and Buchan Coast) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Brown, Siobhian (Ayr) (SNP)
 Burgess, Ariane (Highlands and Islands) (Green)
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)
 Chapman, Maggie (North East Scotland) (Green)
 Choudhury, Foyso (Lothian) (Lab)
 Clark, Katy (West Scotland) (Lab)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Denham, Ash (Edinburgh Eastern) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Don, Natalie (Renfrewshire North and West) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Dunbar, Jackie (Aberdeen Donside) (SNP)
 Duncan-Glancy, Pam (Glasgow) (Lab)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Neil (Airdrie and Shotts) (SNP)
 Greer, Ross (West Scotland) (Green)

Griffin, Mark (Central Scotland) (Lab)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Lochhead, Richard (Moray) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Gillian (Central Scotland) (Green)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Marra, Michael (North East Scotland) (Lab)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 McAllan, Màiri (Clydesdale) (SNP)
 McKee, Ivan (Glasgow Provan) (SNP)
 McLennan, Paul (East Lothian) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNair, Marie (Clydebank and Milngavie) (SNP)
 McNeill, Pauline (Glasgow) (Lab)
 Minto, Jenni (Argyll and Bute) (SNP)
 Mochan, Carol (South Scotland) (Lab)
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)
 O'Kane, Paul (West Scotland) (Lab)
 Robertson, Angus (Edinburgh Central) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Roddick, Emma (Highlands and Islands) (SNP)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Sarwar, Anas (Glasgow) (Lab)
 Slater, Lorna (Lothian) (Green)
 Smyth, Colin (South Scotland) (Lab)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Collette (East Kilbride) (SNP)
 Stewart, Kaukab (Glasgow Kelvin) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sweeney, Paul (Glasgow) (Lab)
 Swinney, John (Perthshire North) (SNP)
 Thomson, Michelle (Falkirk East) (SNP)
 Todd, Maree (Caitness, Sutherland and Ross) (SNP)
 Tweed, Evelyn (Stirling) (SNP)
 Villalba, Mercedes (North East Scotland) (Lab)
 Whitfield, Martin (South Scotland) (Lab)
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Convener: The result of the division is: For 33, Against 88, Abstentions 0.

Amendment 11 disagreed to.

The Convener: I will suspend the meeting for a short comfort break.

17:38

Meeting suspended.

17:49

On resuming—

The Convener: The next group of amendments is on admission of public to meetings. Amendment

12, in the name of Graham Simpson, is grouped with amendment 13.

Graham Simpson (Central Scotland) (Con):

There are two amendments in the group—my amendment 12, which relates to licensing boards, and amendment 13, in the name of Alex Cole-Hamilton, which relates to meetings of councils, and which I support.

Yesterday, the First Minister gave an unusually upbeat statement to Parliament, albeit with her usual caveats. If we are to take her at her word, life should return to something like normal in the next few weeks. Social distancing should be coming to an end by August: we will be able to go to the theatre and return to watching football in numbers next to our mates, and office staff will get back to work with colleagues and not just chat to them using Teams. You never know—MSPs might be able to occupy all the seats in the chamber by September, which would be a good thing.

If all that happens by September—it should, if we believe the First Minister—and if we judge by the figures that she has announced, there is simply no reason at all left for why licensing boards and councils should be able to exclude the public from their meetings. The public health reasons for having the restrictions were good, because they allowed licensing boards and councils to continue, but those reasons do not now exist. By the end of September, physical distancing will not be a thing, so licensing boards and councils should be meeting in public—not virtually—by that point.

Public access to such meetings is an essential part of our democracy, so to allow the restrictions to go on longer—it could be up to a year longer, when the public would not be allowed into the meetings—would be beyond the pale. There is no reason to allow it.

I move amendment 12.

Alex Cole-Hamilton: I am grateful to Graham Simpson for his comments. I rise to speak to amendment 13 and I offer support to Graham Simpson's amendment 12.

Paragraph 13 of schedule 6 to the Coronavirus (Scotland) Act 2020 has modified section 50A of the Local Government (Scotland) Act 1973 to read:

“The public are to be excluded from a meeting of a local authority whenever it is likely that, if members of the public were present, there would be a real and substantial risk to public health due to infection or contamination with coronavirus.”

There has remained a requirement on authorities to publish an agenda and minutes of all meetings, but that was the extent of the reach of the requirements of publication.

When we passed the first coronavirus act in spring last year, we were in the first wave of the pandemic. Those weeks of high infection required that Parliament second guess the causes and mitigation of community transmission. As it stood then, paragraph 13 made absolute sense; we had banned all public gatherings, closed all hospitality, prevented people from being together in enclosed spaces and asked them to stay at home. It was self-evident that should people attend in-person meetings of a local authority, they would pose a substantial risk to public health and could spread infection. Paragraph 13 gave local authorities the option to exclude the public from in-person meetings based on a subjective assessment. It was the best that we could do at the time, but those times have changed.

By the end of September, cinemas and theatres will, likely, be operating almost normally. We might even have dispensed with any form of social distancing and face coverings, because our citizens no longer represent the real and substantial risk to public health that they did in March last year.

It is crucial to remember that the end of September would come just six months before the start of the local authority election campaign. To allow the provision to continue could allow local authorities to proceed with unpopular decisions away from the scrutiny of the electorate, by whom they will be held accountable in just a few months' time.

I understand that we are not clear of the pandemic and that new surges and variants might once again create a heightened risk to health, but the bill will continue ministers' powers to take measures that are sufficient to mitigate the risk of any activity, up to and including a stay-at-home order.

In short, paragraph 13 of schedule 6 of the first 2020 coronavirus act is no longer needed, and its use in such close proximity to a local authority election would undermine the democratic accountability of our councils and councillors. Removing it would not compel local authorities that are still meeting virtually to broadcast their proceedings if they do not have the technology or resources to do so, but it is our hope and expectation that, when the first two coronavirus acts expire and fall away, our local authorities will be able to meet in person once again.

Some of the biggest decisions that affect my constituents and those of other members take place in our local councils—on planning, on education or even on the local recovery from the pandemic. People at the business end of those decisions need a line of sight to how they came about. Paragraph 13—well intentioned though it was at the time—no longer has a place in the

pages of the legislation or, indeed, in our democracy.

John Swinney: Amendment 12 would expire the provisions relating to the ability of licensing boards to exercise their discretion as to whether to hold meetings in public due to coronavirus. Although we are making good progress with the vaccine roll-out, the recent rise in cases indicates that new variants, such as the delta variant, might come to the fore and create further challenges and difficulties. Mr Simpson is, however, right to have characterised our assessment as being more optimistic than it has been for some time.

Licensing stakeholders have welcomed the flexibility that has been provided by the provision since its introduction in the first coronavirus act, and are broadly content for the provision to be extended beyond 30 September, on the ground that we cannot say with any certainty that new variants will not arise. Licensing stakeholders support the holding of meetings in person, but we and they agree that the added flexibility is important to ensure that the alcohol licensing regime can function, should there be a requirement to reimpose restrictions throughout Scotland or on a local authority basis.

The effect of amendment 12 could be that users of the alcohol licensing system would be unable to receive an effective service from licensing boards, including being unable to sell alcohol. That would be unfortunate and counterproductive at a time when we are all keen to do all that we can to support the hospitality sector. My officials engage regularly with licensing stakeholders and have been made aware of examples of good practice that has enabled members of the public to view proceedings online. Of course, if anyone is participating formally during proceedings as an objector, necessary arrangements are put in place by the licensing board to ensure their participation in meetings. For those reasons, I oppose amendment 12, and I ask members to oppose it, too.

I turn to amendment 13, which is in the name of Alex Cole-Hamilton. Scotland's local authorities have responded extremely well in order to keep essential services available during the pandemic. Crucial to ensuring that that has been possible has been allowing governance structures in councils to continue to operate so that decisions about services can continue to be scrutinised and made.

The provision in question was never about universally excluding the public from local authority meetings; it was only ever to be applied at physical meetings where there was a risk of transmitting Covid. At all times, the Scottish Government, in the interests of openness, democracy and transparency, strongly encourages councils to make every effort to live stream their

meetings to the public. We believe that the provision has enabled local authorities to continue to function and conduct committee business while simultaneously taking action to reduce and suppress the spread of the virus.

Councils have reacted well to the changing environment and have acted quickly to implement new governance arrangements that are safe and flexible. For example, all 32 councils now have arrangements in place to support remote meetings. In light of that, and recognising that the provision was being used only in limited situations by some councils, we recommend that Parliament supports amendment 13, which is in the name of Alex Cole-Hamilton.

Graham Simpson: I will press amendment 12. I am slightly confused by the Deputy First Minister's response. On one hand, I am encouraged that he agrees with Alex Cole-Hamilton's amendment 13, but on the other I am utterly baffled as to why he would agree that councils should meet in public but not agree that licensing boards should do so.

Licensing boards are made up of councillors, so they are, essentially, the same thing—a meeting of councillors, who are just dealing with different matters. Therefore, there is no logic to what the Deputy First Minister has said. I encourage members to back both amendments in the group, because they would do the same thing. They are about democratic accountability.

18:00

I used to be on a licensing board. I therefore know that licensing matters can be contentious, so it is important that the public are allowed to sit in on those meetings. In my earlier comments, I accepted that the restrictions were necessary at the time and that they have allowed licensing boards to continue, but there is no reason for the restrictions to persist.

The Convener: The question is, that amendment 12, in the name of Graham Simpson, be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Balfour, Jeremy (Lothian) (Con)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Briggs, Miles (Lothian) (Con)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Choudhury, Foyso (Lothian) (Lab)
 Clark, Katy (West Scotland) (Lab)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)

Dowey, Sharon (South Scotland) (Con)
 Duncan-Glancy, Pam (Glasgow) (Lab)
 Findlay, Russell (West Scotland) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallacher, Meghan (Central Scotland) (Con)
 Golden, Maurice (North East Scotland) (Con)
 Gosal, Pam (West Scotland) (Con)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Greene, Jamie (West Scotland) (Con)
 Griffin, Mark (Central Scotland) (Lab)
 Gulhane, Sandesh (Glasgow) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Hoy, Craig (South Scotland) (Con)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Kerr, Liam (North East Scotland) (Con)
 Kerr, Stephen (Central Scotland) (Con)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Lockhart, Dean (Mid Scotland and Fife) (Con)
 Lumsden, Douglas (North East Scotland) (Con)
 Marra, Michael (North East Scotland) (Lab)
 McNeill, Pauline (Glasgow) (Lab)
 Mochan, Carol (South Scotland) (Lab)
 Mundell, Oliver (Dumfriesshire) (Con)
 O’Kane, Paul (West Scotland) (Lab)
 Rennie, Willie (North East Fife) (LD)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Sarwar, Anas (Glasgow) (Lab)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Smyth, Colin (South Scotland) (Lab)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Sweeney, Paul (Glasgow) (Lab)
 Villalba, Mercedes (North East Scotland) (Lab)
 Webber, Sue (Lothian) (Con)
 Wells, Annie (Glasgow) (Con)
 White, Tess (North East Scotland) (Con)
 Whitfield, Martin (South Scotland) (Lab)
 Whittle, Brian (South Scotland) (Con)
 Wishart, Beatrice (Shetland Islands) (LD)

Against

Adam, George (Paisley) (SNP)
 Adam, Karen (Banffshire and Buchan Coast) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Brown, Siobhian (Ayr) (SNP)
 Burgess, Ariane (Highlands and Islands) (Green)
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)
 Chapman, Maggie (North East Scotland) (Green)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Denham, Ash (Edinburgh Eastern) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Don, Natalie (Renfrewshire North and West) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Dunbar, Jackie (Aberdeen Donside) (SNP)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and

Lauderdale) (SNP)
 Gray, Neil (Airdrie and Shotts) (SNP)
 Greer, Ross (West Scotland) (Green)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Lochhead, Richard (Moray) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Gillian (Central Scotland) (Green)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 McAllan, Màiri (Clydesdale) (SNP)
 McKee, Ivan (Glasgow Provan) (SNP)
 McLennan, Paul (East Lothian) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNair, Marie (Clydebank and Milngavie) (SNP)
 Minto, Jenni (Argyll and Bute) (SNP)
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)
 Robertson, Angus (Edinburgh Central) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Roddick, Emma (Highlands and Islands) (SNP)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Slater, Lorna (Lothian) (Green)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Collette (East Kilbride) (SNP)
 Stewart, Kaukab (Glasgow Kelvin) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thomson, Michelle (Falkirk East) (SNP)
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)
 Tweed, Evelyn (Stirling) (SNP)
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Convener: The result of the division on amendment 12, in the name of Graham Simpson, is: For 54, Against 66, Abstentions 0.

Amendment 12 disagreed to.

Amendment 13 moved—[Alex Cole-Hamilton]—and agreed to.

The Convener: The next group of amendments is on business support. Amendment 14, in the name of the cabinet secretary, is grouped with amendment 26.

John Swinney: In relation to amendment 14 on irritancy measures in the Coronavirus (Scotland) Act 2020, the Government has listened to the views of stakeholders and has lodged the amendment in order for those provisions to be extended beyond 30 September 2021.

Although initial discussions with stakeholders indicated that there was general support for the expiry of those measures from 30 September, we have since listened to further representations, including from the Federation of Small Businesses, and given the uncertainty that exists regarding when coronavirus restrictions in

Scotland can be removed completely, we have reconsidered expiring the provisions.

As other Government support initiatives, such as the furlough scheme, begin to wind down, it is likely that some viable small businesses might face short-term cash-flow difficulties over the summer, into the autumn and beyond. In those circumstances, we would want landlords to grant their tenants some further flexibility. We believe that retaining the increased notice period beyond 30 September makes that more likely. The extensions that have been afforded under the provision to date have helped landlords and tenants by giving them time to come to revised rental arrangements on an agreed basis without the need to seek eviction.

As eviction has always been possible under the Scottish provisions, it is considered that these would largely have already taken place in the 18 months from the commencement of the Coronavirus (Scotland) Act 2020, and this proportionate response will now continue, hopefully without the need for evictions, as our aim is to keep businesses afloat and retain employment. The Scottish Government is therefore happy to listen to the views of stakeholders and proposes this change to the bill. I urge members to support my amendment 14.

I turn to amendment 26. Since March last year, business support has been offered through the existing powers of local authorities, the enterprise networks and a range of other public bodies, rather than under specific provisions of the coronavirus legislation. Further, decisions on business support have been taken in response to emerging pressures and there is no allocated budget for future financial support. Future funding options will be contingent to a large extent on funding decisions that are made by the United Kingdom Government.

As restrictions are brought to an end, decisions on any further support will be made to support recovery and economic transformation in the longer term. That may continue to change substantially over a longer timescale than the two months within which amendment 26 would require a report to be made to Parliament. The Transport (Scotland) Act 2019 includes a range of improved tools for local transport authorities to improve bus services in their areas, recognising that buses are a local service and should be tailored to meet local communities' needs.

However, I am sympathetic to what Mr Sweeney proposes and the Government will lodge a stage 3 amendment tomorrow to reflect some of the issues that are raised by his proposal. I look forward to hearing his remarks.

I move amendment 14.

Paul Sweeney (Glasgow) (Lab): While Covid-19 continues to disrupt livelihoods, we must have measures in place to support people and adequately protect them from the fallout of the pandemic. Businesses have required financial support from the Government, which has been paid in millions to mitigate the adverse impacts of Covid-19. However, we could be doing more to conditionalise that business support with a view to achieving better economic and social outcomes—for example, fairer work obligations and enhancement of our public transport system.

My amendment 26 would require the Scottish ministers to lay before Parliament, as soon as reasonably practical and within two months of royal assent, a report on the implications for business support of the extension or expiry of provisions in the act. The report would have to include, in particular, consideration of further support that businesses required. The key thing would be whether business support had been adequate over the period—we know that it has often not been adequate.

The Government should be required to consider, in particular, whether those who have felt the impacts of the pandemic disproportionately—such as wedding businesses, entertainment establishments, nightlife businesses, taxi drivers and the self-employed—have been adequately supported. We should also consider whether any limitations or conditionality should be placed on the provision of further support, including whether conditions related to fair work practices should be placed on businesses of a certain size that receive support. The Welsh Government has been seeking to explore that. In particular, I would like to explore the idea of introducing an element of compulsion when it comes to the provision of further support to a large business with at least 250 employees that does not recognise a trade union. In fair work terms, all large companies should be open to trade union organisation in their workplaces.

The rise in precarious work that we have seen since the financial crisis in 2008 has been compounded by the pandemic. Some 35 per cent of Scottish workers say that they often get less than a week's notice of shifts. Pre-pandemic, four in 10 of those who worked in retail and wholesale were paid less than the living wage, according to the Resolution Foundation. Fair work practices are even more pertinent than they were before, especially as we look towards the longer term and recovery.

I also want ministers to consider the suitability of taking equity shares in private bus companies instead of simply providing grant-based support with few strings attached. In the year of COP26, we should be investing in a green, publicly owned

public transport system. Last year, the Government gave £191 million of no-strings subsidies to private bus company owners and underspent the transport budget by £343 million. Indeed, the total allocated budget for bus firms between the start of the pandemic and October this year is £288 million. We could be doing so much more with that investment to effect meaningful change and reforms in our public transport system.

As the grant terms are currently conditionalised, they only oblige bus companies to continue to deliver around 30 per cent of bus service levels for the period of the scheme, in order to maintain core services, and to continue engagement with relevant local authorities and health boards to determine what bus services should be operated when and on what routes. I would like the benefit from that money to be used to buy shares in those companies, with a long-term view to increasing public ownership. Single fares on privatised First Glasgow services are now £2.50, compared with £1.80 on Edinburgh's publicly owned Lothian Buses services. In Glasgow, we need our regional transport authority, Strathclyde partnership for transport, to use the powers in the Transport (Scotland) Act 2019 to re-regulate our region's entire bus network through franchising. That would allow us to plan routes, cap fares and ensure the same standards of accessibility, emissions, staff training, staff conditions and much more across the whole region. Everyone in Scotland is entitled to a world-class integrated public transport service.

I hope that the measures that I have proposed meet with the approval of members.

John Swinney: Paul Sweeney has raised a number of significant points in amendment 26 and his comments on it, and I am happy to consider how that and a variety of other requests for additional reporting requirements in the various amendments that we have heard today can be considered further in tomorrow's discussions. Amendments 4, 5, 18, 25, 27, 28, 29 and 30 all seek additional reporting requirements, and I would like the opportunity to reflect on the issues and to formulate amendments to be lodged for stage 3. I want to ensure that the legitimate request for further reporting can be integrated into the already significant reporting requirements that the Government fulfils—and is happy to fulfil—to Parliament in this respect.

I urge Paul Sweeney not to move his amendment and to give us the opportunity to formulate proposals that can be considered in tomorrow's session.

Amendment 14 agreed to.

Amendment 15 moved—[Jackie Baillie]—and agreed to.

Amendment 16 not moved.

The Convener: The next group is on social security. Amendment 17, in the name of Pam Duncan-Glancy, is grouped with amendments 28 and 29.

Pam Duncan-Glancy (Glasgow) (Lab): As members will know, I am a bit new to this, so I thank the chamber desk team, my staff, the Labour support unit and colleagues across the chamber for all their help. I ask members to be patient with me as I talk to the amendments in an odd order, taking amendments 17 and 29 together and providing a bit of explanation, and coming back later to amendment 28.

Scottish Labour is clear that, had the scope of the bill been wider, we would have sought to do more to ensure that people were protected for a while longer, and we would have sought to add provisions that are needed to meet the challenges that lie ahead. For example, had the scope of the bill been wider, I would have been moving an amendment today to continue and extend the provisions that were put in place to support carers and disabled people. Specifically, we would have wanted to double the carers allowance supplement again this year, as was done in 2020, and to continue doing so until the end of the pandemic, which would make a huge difference to the thousands of unpaid carers in Scotland.

Recognising that disabled people faced additional costs before the pandemic and that we have not begun to assess the impact that the pandemic has had on that group of people, we would have sought to use the opportunity to discuss a Covid payment to disabled people and to implement a £5 uplift to the Scottish child payment for families that include a disabled person. Introducing such a supplement now and increasing it to £10 by 2022-23 would lift approximately 10,000 children out of poverty. As we heard earlier from the Cabinet Secretary for Social Justice, Housing and Local Government, we are—sadly—on track to miss our child poverty targets by 4 per cent, which makes it even more frustrating that we have not been able to do that today.

Navigating the bill—any bill, I imagine—is tricky, especially for the first time. Had all our amendments been in scope, the first thing that we would have needed to do was extend the powers in the act that provide for the double payment of the carers supplement, rather than expire them. That is what amendment 17 sought to do. That amendment was ruled in scope but, sadly, the amendments to double the supplement and make the payments were ruled out of scope. Therefore,

amendment 17 is somewhat null. However, I hope that the chamber will appreciate that that was perhaps an imperfect situation and will understand and be patient with the first-time attempts to bring scrutiny and impactful change to an issue of this gravity, with meaningful discussion in the chamber. I do not intend to press amendment 17.

Here is where the other amendments come in. As we are not able to call for those policies as we would have liked to in this debate on the bill, we are instead seeking a commitment, through amendment 29, that, within one month of the bill receiving royal assent, the Government will produce a report on the expiry of the current provisions that are intended to protect carers and families with disabled people in them and on whether further measures, including those that we have set out, and a Covid payment for disabled people, are required.

Had we been able to, Scottish Labour would also have sought to take the opportunity that is presented by this bill to introduce self-isolation payments for all adults who are forced to self-isolate. The chamber will be aware that some self-isolation grants are available at the moment, but they are available only to specific people and are subject to very specific eligibility requirements. However, as we know, Covid-19 does not pick and choose its effects, which is why it is clear that we must do more to offer support to those who are not able to access it, so that anyone who is asked to self-isolate does not see themselves out of pocket. As we have not been able to make that call directly, Scottish Labour is instead proposing, in amendment 28, that the Government publish a report on the effect of the provisions in the bill on the support that is available to people who are forced to self-isolate. Again, we would like to see that report no more than one month after the bill has received royal assent.

I thank the chamber and the Presiding Officer for their patience. The amendments that I have lodged seek to draw attention to those serious issues, apply as much scrutiny as possible in the time that we have and encourage meaningful and impactful discussion, decision making and action on the part of members at this time.

I move amendment 17.

John Swinney: I feel that there is absolutely no need for Pam Duncan-Glancy to apologise for detaining the chamber, given the length of time that I have gone on this afternoon. I am sure that that observation has attracted wide support from the Labour Party, despite the generosity of spirit that I have demonstrated today.

Amendment 17 will prevent the expiry of the provisions relating to the carers allowance supplement in the 2020 act. The majority of

increased payments of the carers allowance supplement were made in June 2020, and around 83,000 carers received an extra £230.10 to help them deal with the unprecedented circumstances of coronavirus and the additional pressures that were brought by lockdown. The provision is being expired as it is no longer necessary, because it relates only to the period from 1 April 2020 to 30 September 2020, and backdated payments in respect of that period can still be made notwithstanding expiry.

We absolutely value the support that is provided by unpaid carers and we have brought forward the Carer's Allowance Supplement (Scotland) Bill to support unpaid carers with an additional coronavirus carers allowance supplement payment. That will be paid with the December carers allowance supplement, as we did in June 2020. We proposed to do that through a stand-alone bill, as that allowed us to bring forward proposals for greater flexibility to make future payments to carers in receipt of carers allowance supplement, should they be required.

Pam Duncan-Glancy has indicated that she will not press amendment 17, and I hope that what I have said provides the necessary reassurance to her of the Government's intent in this area of activity. I acknowledge the significance of the points that she raises in relation to support for carers.

The purpose of amendment 28 is to require ministers to produce a report assessing the effect that the expiry of provisions by the act is likely to have on the social security support that is available for carers. The report must consider whether, due to coronavirus, further measures are required to support carers, and whether a further coronavirus carers allowance supplement should be paid. The report must also consider whether a Scottish child payment supplement of £5 should be made, where the payment is made in respect of a dependent child who has a disability. Where no further support is being provided, the report must set out the reasons for that.

The Government absolutely values the role of unpaid carers and we have brought forward the bill to which I have referred to support unpaid carers with an additional coronavirus carers allowance supplement payment. The bill also seeks enabling powers to allow greater flexibility in making any future increases to the carers allowance supplement. I would like to reassure Parliament that there will be no impact on the support for unpaid carers through the expiry of the provisions. I have placed on record the Government's commitment in that respect.

The reporting requirements in amendment 28 fall into the category of reporting requirements that I referred to in my earlier contribution. The

Government will reflect on those issues as a consequence of the debate today, and I ask Pam Duncan-Glancy not to press the amendment, because the Government will bring back enhanced reporting requirements in a stage 3 amendment tomorrow.

The Government is resisting amendment 29, which will mandate the publication of a report on the effect that the extension and expiry of provisions by the act will have on the support that is available for people who are self-isolating. The same issues apply as with amendment 28—we will consider the reporting requirements and bring forward tomorrow a consolidated proposition that Parliament can consider. Therefore, I ask Parliament not to agree to any of the amendments in the group, on the understanding that the Government will bring forward enhancements to the reporting arrangements in stage 3 amendments tomorrow.

The Convener: I call Pam Duncan-Glancy to wind up and to press or withdraw amendment 17.

Pam Duncan-Glancy: Thank you, and I thank the Deputy First Minister for his response.

On the point about the Carer's Allowance Supplement (Scotland) Bill, which has come to the Social Justice and Social Security Committee, I think that we missed an opportunity by not doing some of that in the bill that is before us today. Then the bill that has gone to committee could have been on less of a tight timescale, which would have allowed us to consider issues such as bereavement payments. However, specifically on amendment 17, I understand that the reason to have the amendment is no longer there, because the amendment that we needed it for was considered out of scope. On that basis, I will not press amendment 17.

Amendment 17, by agreement, withdrawn.

The Convener: Before we move to the next group, members may wish to note that we are a little behind time—perhaps by five to 10 minutes.

The next group is on social care support. Amendment 18, in the name of Jackie Baillie, is grouped with amendment 30.

Jackie Baillie: In the interests of time, I will speak just to amendment 18, and will do so briefly.

Care homes were at the epicentre of the pandemic. Some 3,774 people died in our care homes of Covid-19. That affected their families and it affected staff, and many more suffered from the virus but, thankfully, pulled through.

At the start of the pandemic, there were issues with personal protective equipment, a lack of testing, and inconsistent and ever-changing guidance. Care homes across all sectors were

crying out for support. Having an overview of what is happening in our care homes across Scotland is essential while the virus remains. I appreciate that the Care Inspectorate has resumed reporting on individual care homes, but that does not provide an overview of what is happening in care homes across Scotland.

We are debating the extension of emergency powers, because we think that there is a continuing issue or a potential problem in the future. I say to the cabinet secretary that, if vulnerable people in care homes were the worst affected during the pandemic, anything that monitors what is going on in care homes across Scotland is therefore critical and should be kept. Thank you.

I move amendment 18.

The Convener: I call Craig Hoy.

Craig Hoy (South Scotland) (Con): I draw members' attention to my entry in the register of interests, in relation to—

The Convener: Sorry—I must interrupt you briefly. I made an error. I should have called Pam Duncan-Glancy to speak to amendment 30 and the other amendment in the group.

Pam Duncan-Glancy: Thank you, convener. I was pleased to have an extra moment or two to consider what I was going to say about the amendment.

I am sure that we have made it clear by now that Scottish Labour would have looked to do a bit more with the bill had we been able to, including calling on local authorities to recommence care packages and respite care. With amendment 30, we have once again opted to lodge a reporting amendment to place a duty on Scottish ministers to lay a report before Parliament no more than one month after the bill receives royal assent, in this case so that we can understand the impact that ending or extending provisions in the act will have on social care services.

A report by the Scottish Human Rights Commission shows that the removal of care packages during the pandemic has had a direct and detrimental effect on disabled people's human rights. It recommended that social care be reinstated to at least pre-pandemic levels.

Many of us will have heard stories over the past year of individual people going through the pandemic and being left in degrading and inhumane situations as a result of losing their care. That is why we need to have a clear focus on this area. Testimony gathered for the report was incredibly distressing reading: disabled people unable to wash or get out of bed, being left asleep in their wheelchairs, and having to leave

their homes and move in with family. None of that is ever okay.

The protection of social care services is vital—it is an investment that we need to make. We must ensure that disabled people get the care that they need and we must provide essential care and support for them to participate in society and lead an ordinary life. In the past year, due to the pandemic, that has not been the case. It is incredibly important that we continue to consider the impact that that has had on that group of people, which is why Labour lodged an amendment requiring the Government to report on it.

Craig Hoy: For the second time, I draw members' attention to my entry in the register of interests in relation to rental properties in my name.

I will briefly address the amendments relating to social care. I welcome the Government's intention to allow provisions relating to reporting by the Care Inspectorate contained in paragraph 22 of schedule 1 to the act to expire on 30 September. I recognise that, during the eye of the Covid storm, there was a huge focus on the activities in care homes—and rightly so. Families, residents and care home staff were literally living in fear, and the regular reports addressed those legitimate concerns. However, we must remember that the root cause of the problem of transmission and deaths in our care homes often related to Covid-positive patients being discharged from a hospital setting into a social care setting. With vaccines now providing extensive safeguards, and care homes having put in place advanced infection control mechanisms, those reporting rules can now be relaxed.

The system of fortnightly reporting by the Care Inspectorate to Parliament has put undue pressure on the Care Inspectorate to deliver those reports, which has removed it from its much-needed inspection and improvement work. It has prevented the normal relationships being restored and does not give care homes time to reflect on and respond to the reports before they are released publicly.

Jackie Baillie's amendment 18 has the effect of extending the provision for fortnightly reporting. Given that that is the case, the Scottish Conservatives will not support it. However, we welcome amendment 30, in the name of Pam Duncan-Glancy. Although I have spoken out against the fortnightly reporting regime, amendment 30 seeks a one-off report by ministers to Parliament on issues that include exploring the effect of the extension and expiry of the act's provisions on social and respite care, and identifies further measures that may be required to restore social care support packages and respite

services to pre-pandemic levels. I believe that such a report, especially if it comes forward within one month of royal assent, will provide Parliament and our care providers with timely information that will assist in the restoration of vital social care services. The Scottish Conservatives support that objective and are content to support amendment 30.

Gillian Mackay (Central Scotland) (Green): In relation to amendment 18, I have engaged with Scottish Care, which has serious concerns about the impact of the continuation of the reporting provisions on the Care Inspectorate's ability to carry out its other obligations and provide support to care services. I absolutely agree with Jackie Baillie that, given the situation that we have had during the pandemic, we have to have some form of overarching reporting and accountability. I would be grateful, therefore, if the cabinet secretary could commit to working with the Care Inspectorate and perhaps other parliamentary colleagues to bring something back at stage 3 that would not only reflect both sides of the issue but ensure that the Care Inspectorate has the ability to discharge its duties effectively and continue to improve standards of care.

The Scottish Greens will support amendment 30.

Alex Cole-Hamilton: I have said before that when the history of Scotland's pandemic is written, there will be no more tragic a story than what occurred in our care homes. They were missed out of pandemic exercise planning and then received more than 3,000 untested patients from hospital. Many families did not learn for months and months what really happened in the homes of their loved ones. They deserved to have all the facts all along. The repercussions of the failure to protect care homes and their residents will continue to be sorely felt, which is why we need a public inquiry to start without delay.

18:30

I am very grateful to Jackie Baillie for lodging amendment 18. Scottish Liberal Democrats also considered whether there is a need to retain the additional care home reporting on inspections and deaths that was introduced at the start of the pandemic. The policy memorandum discusses that in some detail. Before the powers are expired, I would like to hear further assurances from the Deputy First Minister and his Government that that will not have an impact on the quality of reporting on care homes. The policy memorandum says:

"inspection reports are published usually within 10 days of the inspection."

I want to know what proportion take longer than that and whether there is a hard time limit for the

publication of the reports. How will the Government ensure that there is still timely access to care home inspection reports? Are there any parts of the weekly reporting of deaths under the emergency powers that are not now covered by National Records of Scotland? Before the powers are expired, I would like the Deputy First Minister to guarantee that that will not have a negative impact on the quality of reporting on our care homes, because it has been hard enough over the past 15 months for families to acquire that important information.

John Swinney: Jackie Baillie's amendment 18 raises very difficult issues. Her fundamental concern is about ensuring that appropriate arrangements are in place in care homes and that they are applied effectively. That is an absolutely legitimate subject of inquiry. The question is not whether there should be scrutiny, reporting and gathering of information about performance in care homes; the question is how it can best be undertaken.

Gillian Mackay raised legitimate points—they are at the heart of the arguments on the matter. They were about whether all that would best be served by enabling the Care Inspectorate to carry out the long-standing previously agreed and legislated for scrutiny of individual care homes, or whether some resource has been distracted by the overarching reporting and analysis that were envisaged for the circumstances.

The fortnightly reports on inspections—the 28th such report will be published this week—have been helpful in getting information into the public domain and in providing assurance to Parliament and the public, at a time when the level of anxiety about the safety and wellbeing of care home residents and staff has, understandably, been high. However, preparing the fortnightly reports has reduced the Care Inspectorate's capacity to carry out wider scrutiny activity, because inspectors are involved in preparation of additional reports. As we move into recovery and remobilisation, it is important that inspectors can refocus their attention on scrutinising and supporting all care services and not focus only on care homes that are at the highest risk from Covid-19.

There is unnecessary duplication of effort. There has been a return to a near-normal pre-Covid process in which full inspection reports are published by the Care Inspectorate, usually within 10 days of an inspection. The result is that, in many cases, full reports are published at about the same time as the associated less-detailed parliamentary reports.

Gillian Mackay asked me to consider whether, should Parliament not agree to amendment 18, wider synchronisation of reporting could be done. I

undertake to examine that in advance of stage 3 tomorrow.

On Alex Cole-Hamilton's point, the weekly reporting of deaths in care homes has been heavily reliant on accurate reporting by care homes. The official statistics that are published by National Records of Scotland are now well established and include data on care homes. I therefore urge members not to support amendment 18, but I give an assurance that I will explore the point that Gillian Mackay raised.

I would like Parliament not to proceed with amendment 30, so that the Government can reflect on the matter and on wider scrutiny of the reporting requirements that can be included in the bill to enhance the existing reporting arrangements. There have been a number of requests that we enhance reporting requirements. I would like the opportunity to consolidate those requests to allow reporting requirements to be put into the bill at stage 3, in order to ensure that Parliament is properly updated on and advised of performance against the requirements of the legislation. I urge Pam Duncan-Glancy not to move amendment 30, on the basis that I will introduce reporting requirements at stage 3 tomorrow.

The Convener: I call Jackie Baillie to wind up and to press or withdraw amendment 18.

Jackie Baillie: I am sure that it was not his intention, but I thought that Craig Hoy's contribution perhaps suggested a degree of complacency. There is nothing normal about the pandemic. Care homes suffered the very worst of deaths, and Parliament put in place reporting mechanisms because we believed that they were needed. There is the possibility of new surges and new variants, and care homes are vulnerable in that context.

I understand that there might be capacity issues. I favour Gillian Mackay's suggestion and, on the basis that the cabinet secretary does too, I am happy not to press amendment 18. I hope that the cabinet secretary will consider the matter and bring back an amendment tomorrow.

Amendment 18, by agreement, withdrawn.

Section 2, as amended, agreed to.

After section 2

Amendment 19 not moved.

Section 3—Minor and consequential provisions

Amendment 20 moved—[Murdo Fraser].

The Convener: The question is, that amendment 20 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Balfour, Jeremy (Lothian) (Con)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Briggs, Miles (Lothian) (Con)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Choudhury, Foyso (Lothian) (Lab)
 Clark, Katy (West Scotland) (Lab)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Dowey, Sharon (South Scotland) (Con)
 Duncan-Glancy, Pam (Glasgow) (Lab)
 Findlay, Russell (West Scotland) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallacher, Meghan (Central Scotland) (Con)
 Golden, Maurice (North East Scotland) (Con)
 Gosal, Pam (West Scotland) (Con)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Greene, Jamie (West Scotland) (Con)
 Griffin, Mark (Central Scotland) (Lab)
 Gulhane, Sandesh (Glasgow) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Hoy, Craig (South Scotland) (Con)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Kerr, Liam (North East Scotland) (Con)
 Kerr, Stephen (Central Scotland) (Con)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Lockhart, Dean (Mid Scotland and Fife) (Con)
 Lumsden, Douglas (North East Scotland) (Con)
 Marra, Michael (North East Scotland) (Lab)
 McArthur, Liam (Orkney Islands) (LD)
 McNeill, Pauline (Glasgow) (Lab)
 Mochan, Carol (South Scotland) (Lab)
 Mundell, Oliver (Dumfriesshire) (Con)
 O’Kane, Paul (West Scotland) (Lab)
 Rennie, Willie (North East Fife) (LD)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Sarwar, Anas (Glasgow) (Lab)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Smyth, Colin (South Scotland) (Lab)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Sweeney, Paul (Glasgow) (Lab)
 Villalba, Mercedes (North East Scotland) (Lab)
 Webber, Sue (Lothian) (Con)
 Wells, Annie (Glasgow) (Con)
 White, Tess (North East Scotland) (Con)
 Whitfield, Martin (South Scotland) (Lab)
 Whittle, Brian (South Scotland) (Con)
 Wishart, Beatrice (Shetland Islands) (LD)

Against

Adam, George (Paisley) (SNP)
 Adam, Karen (Banffshire and Buchan Coast) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Brown, Siobhian (Ayr) (SNP)
 Burgess, Ariane (Highlands and Islands) (Green)

Callaghan, Stephanie (Uddingston and Bellshill) (SNP)
 Chapman, Maggie (North East Scotland) (Green)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Denham, Ash (Edinburgh Eastern) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Don, Natalie (Renfrewshire North and West) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Dunbar, Jackie (Aberdeen Donside) (SNP)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Gray, Neil (Airdrie and Shotts) (SNP)
 Greer, Ross (West Scotland) (Green)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Gillian (Central Scotland) (Green)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 McAllan, Màiri (Clydesdale) (SNP)
 McKee, Ivan (Glasgow Provan) (SNP)
 McLennan, Paul (East Lothian) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNair, Marie (Clydebank and Milngavie) (SNP)
 Minto, Jenni (Argyll and Bute) (SNP)
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)
 Robertson, Angus (Edinburgh Central) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Roddick, Emma (Highlands and Islands) (SNP)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Slater, Lorna (Lothian) (Green)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Collette (East Kilbride) (SNP)
 Stewart, Kaukab (Glasgow Kelvin) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thomson, Michelle (Falkirk East) (SNP)
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)
 Tweed, Evelyn (Stirling) (SNP)
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Convener: The result of the division on amendment 20 is: For 55, Against 67, Abstentions 0.

Amendment 20 disagreed to.

Amendment 21 not moved.

Amendment 22 moved—[Jamie Greene].

The Convener: The question is, that amendment 22 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Balfour, Jeremy (Lothian) (Con)
 Briggs, Miles (Lothian) (Con)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Dowey, Sharon (South Scotland) (Con)
 Findlay, Russell (West Scotland) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallacher, Meghan (Central Scotland) (Con)
 Golden, Maurice (North East Scotland) (Con)
 Gosal, Pam (West Scotland) (Con)
 Greene, Jamie (West Scotland) (Con)
 Gulhane, Sandesh (Glasgow) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Hoy, Craig (South Scotland) (Con)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Kerr, Liam (North East Scotland) (Con)
 Kerr, Stephen (Central Scotland) (Con)
 Lockhart, Dean (Mid Scotland and Fife) (Con)
 Lumsden, Douglas (North East Scotland) (Con)
 McArthur, Liam (Orkney Islands) (LD)
 Mundell, Oliver (Dumfriesshire) (Con)
 Rennie, Willie (North East Fife) (LD)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Webber, Sue (Lothian) (Con)
 Wells, Annie (Glasgow) (Con)
 White, Tess (North East Scotland) (Con)
 Whittle, Brian (South Scotland) (Con)
 Wishart, Beatrice (Shetland Islands) (LD)

Against

Adam, George (Paisley) (SNP)
 Adam, Karen (Banffshire and Buchan Coast) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Brown, Siobhian (Ayr) (SNP)
 Burgess, Ariane (Highlands and Islands) (Green)
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)
 Chapman, Maggie (North East Scotland) (Green)
 Choudhury, Foyso (Lothian) (Lab)
 Clark, Katy (West Scotland) (Lab)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Denham, Ash (Edinburgh Eastern) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Don, Natalie (Renfrewshire North and West) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Dunbar, Jackie (Aberdeen Donside) (SNP)
 Duncan-Glancy, Pam (Glasgow) (Lab)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)

Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Neil (Airdrie and Shotts) (SNP)
 Greer, Ross (West Scotland) (Green)
 Griffin, Mark (Central Scotland) (Lab)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Lochhead, Richard (Moray) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Gillian (Central Scotland) (Green)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Marra, Michael (North East Scotland) (Lab)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 McAllan, Màiri (Clydesdale) (SNP)
 McKee, Ivan (Glasgow Provan) (SNP)
 McLennan, Paul (East Lothian) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNair, Marie (Clydebank and Milngavie) (SNP)
 McNeill, Pauline (Glasgow) (Lab)
 Minto, Jenni (Argyll and Bute) (SNP)
 Mochan, Carol (South Scotland) (Lab)
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)
 O'Kane, Paul (West Scotland) (Lab)
 Robertson, Angus (Edinburgh Central) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Roddick, Emma (Highlands and Islands) (SNP)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Sarwar, Anas (Glasgow) (Lab)
 Slater, Lorna (Lothian) (Green)
 Smyth, Colin (South Scotland) (Lab)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Collette (East Kilbride) (SNP)
 Stewart, Kaukab (Glasgow Kelvin) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sweeney, Paul (Glasgow) (Lab)
 Swinney, John (Perthshire North) (SNP)
 Thomson, Michelle (Falkirk East) (SNP)
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)
 Tweed, Evelyn (Stirling) (SNP)
 Villalba, Mercedes (North East Scotland) (Lab)
 Whitfield, Martin (South Scotland) (Lab)
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Convener: The result of the division on amendment 22 is: For 33, Against 88, Abstentions 0.

Amendment 22 disagreed to.

Amendment 23 not moved.

Section 3 agreed to.

Section 4 agreed to.

Schedule

Amendment 24 not moved.

The Convener: The next group is on marriages and civil partnerships. Amendment 25, in the name of Pauline McNeill, is the only amendment in the group.

Pauline McNeill: Amendment 25 is on a procedure to produce a report on

- (a) social distancing requirements that remain in place,
- (b) the permissibility of live music,"

and

- (c) limitations on indoor household gatherings".

Today there was a Government-inspired question, which Jackie Baillie referred to, on extended opening times for hospitality during Euro 2020, which have caused distress for parts of the hospitality sector that are not able to benefit from those provisions.

Amendment 25 asks for a report detailing the progress made towards ending restrictions in relation to weddings, permissibility of live music and limitations on indoor gatherings.

The Scottish Wedding Industry Alliance said:

"Yesterday's announcement will not be the guidance everyone wanted, we're also disappointed regarding dancing (something we campaigned for). We are continuing conversations to ask for the new guidance to go live on the Friday dates and we will carry on fighting for everyone."

Only yesterday, a constituent who is due to get married very soon wrote to me—they are not the first one—and said:

"Some leeway would certainly make sense, all things considered. Especially seeing as most of the wedding party will be fully vaccinated already. Surely that should count for something. We have a DJ hired which is costing almost £3000. A large deposit already paid when we thought the end of June would be the reopening date. It's not even as if it's going to be a rave, just some cringey dancing for a couple of hours"—

I am only quoting here. [*Laughter.*] We are all thinking of weddings that we have been at where there has been "cringey dancing" but also a lot of enjoyment.

My constituent continued:

"Also with indoor social distancing being reduced to 1 metre, you'd be closer to a stranger on a bus than you would be up having a dance."

He knows that I was going to read that out to give you all a laugh—he was definitely okay with that.

It is a serious question. Many couples, along with people in the wedding and events sectors, are asking why people cannot dance until 19 July. Will dancing really be such a high-risk activity? I hope

that the cabinet secretary will give us some indication of what the clinicians are saying the risk really is.

For the sake of nine days in my constituent's case, there will be a big difference to that couple's wedding. I ask the Government to focus on that, which is why I seek the reporting procedure in amendment 25.

18:45

There is also a lack of clarity on some of the issues, and a report before Parliament might provide such clarity. Some announcements yesterday were very welcome—for example, the lifting of restrictions on bands from 28 June is very much welcomed by the live music sector—but there is a need for clarity on some of that.

Today, Hireaband told me that it had reports of cancellations of ceilidh bands—such cancellations are obvious, because people cannot dance, and dancing is the purpose of a ceilidh band. However, confusion is being caused: bands do not know whether to take the cancellation fee or to take another date. It seems a little arbitrary.

Wedding receptions are of course the main thing, but pubs and clubs that rely on live entertainment are also keen to have that back. A mechanism for reporting after 9 August would give some clarity, because the Government would be required to say what restrictions, if any, were left in place.

Finally, nothing has been said about what the provisions will mean for nightclubs after 9 August. I hope that that issue can be included in the reporting procedure. England, Northern Ireland and Wales have mentioned nightclubs in their statements, but Scotland has not. What do the restrictions mean for live music venues and promoters?

I believe that reporting on the restrictions will give some clarity to the live music sector, which it really needs. It would focus the Government's mind on some things that it has perhaps not thought about and which are important to the sector.

I move amendment 25.

Alex Cole-Hamilton: I rise briefly to support Pauline McNeill's amendment. I think that it offers some hope to the sector and a signal that the Parliament finally has the wedding industry at the centre of its attention.

Thousands of couples across Scotland have had the best day of their lives deferred or cancelled—in some cases more than once, and often at a cost of tens of thousands of pounds—because of decisions by the Parliament and the

Government. It is only fair to adopt a reporting duty, as Pauline McNeill's amendment prescribes. If we do that, not only will we send a very important signal, but it will concentrate the minds of the ministers who are responsible for coming to those decisions. In that way, in situations such as we had last week, when much of Scotland expected to go down to level 1 but was kept in level 2 and, at a stroke, we had to halve the number of wedding guests at many weddings around the country, such things will be considered and there will be reporting to the Parliament.

Scottish Liberal Democrat members are therefore happy to support Pauline McNeill's amendment.

John Swinney: I am grateful to Pauline McNeill for lodging amendment 25—well, I do not know that I am grateful, because this is a very challenging part of the debate.

I accept that the issues that Pauline McNeill raised, whether on weddings or on the impact on the live music sector or venues as a whole, are of significance.

This morning, I had a very helpful conversation with representatives of the Glasgow city centre task force, on which many live music venues are represented. A number of the points that Pauline McNeill made were raised during that discussion. The concern that somehow those issues are not on the Government's agenda is not, I assure Pauline McNeill, valid. The Government has wrestled with those questions, because none of us wants to have to disrupt or delay the life plans of individuals at such important moments in their lives.

However, clinical advice and guidance inform our decisions. Yesterday, the First Minister set out our hope, subject to continued progress and the meeting of the caveats that we have set out, that the current requirements for 1m physical distancing will end once the country goes into level 0. Beyond that, we will remove all restrictions. There is therefore a clear pathway for the sector, so that it can understand the changes that are going to be made.

We are allowing live entertainment at weddings from 28 June. On the type of specific additional circumstance that Pauline McNeill raised, if she writes to me I will happily consider what can be done in such circumstances.

Pauline McNeill: I am trying to get as much clarity as possible, and I appreciate that there is a lot to consider. Does what the cabinet secretary said mean that, after 9 August, live music can be played without restrictions in pub venues, for example, as well as at weddings? It looks like that to me. It would be good to get the clarity that we did not get yesterday.

John Swinney: The short answer to Pauline McNeill is yes, but there will be other considerations: mitigating measures such as ventilation and wider hygiene requirements might well go with such an approach. I do not want to give a signal that we are going back to a pre-Covid situation, with absolutely no wider considerations; there will be conditions that have to apply. I discussed such issues at length with the Glasgow city centre task force this morning.

Over the next few weeks, we must go through some detailed dialogue with the live music sector and the wedding industry, to make sure that we cover off all the issues that need to be covered off. I assure Pauline McNeill that that will be done in dialogue with the sector.

On that basis, I ask Pauline McNeill not to press amendment 25. I will reflect on her proposal—amendment 25 is one of the amendments on reporting requirements on which I have agreed to reflect. I do not think that the issues that she wants resolved need legislation; what is needed is for us to respond constructively to the legitimate issues that she has raised. I undertake to do that in preparation for the stage 3 debate tomorrow.

There will be on-going dialogue with the sector, and I confirm that the Government will engage constructively in that dialogue in the weeks to come.

The Convener: I call Pauline McNeill to wind up and to press or withdraw amendment 25.

Pauline McNeill: I welcome what the cabinet secretary has said. As I said, I am trying to get some clarity. The cabinet secretary knows, because there was a meeting with the wedding sector yesterday, that that sector and the wider night-time economy and hospitality sector have felt that engagement could have been a lot better. Perhaps we are making important progress.

I ask the cabinet secretary to reflect on what I have been trying to achieve. There would be no harm in allowing some reporting.

Mitigation measures make sense and would be expected.

John Swinney: Let me reiterate two points. First, the Government is actively engaging with the wider sector. My colleagues have done a lot of work to engage with sectors over the Covid period and I, with my new responsibilities, give an absolute assurance that that will be the case across all the areas that we are talking about.

Secondly, the reporting requirements on which I will reflect in preparation for stage 3 are designed to ensure that Parliament receives proper and full reports on all aspects of the application of the legislation, and Pauline McNeill's proposal can feature in that regard.

Pauline McNeill: I acknowledge that, but I again ask the cabinet secretary to acknowledge that the sector has been critical, albeit at a time when the issues were outwith his responsibilities. I just want to push the Government to engage with the wider hospitality sector—it is a diverse sector and includes live music, with all the risks that are attached to that—to ensure that we have the closest engagement and the greatest clarity as we ease restrictions.

On that basis, I will not press amendment 25.

Amendment 25, by agreement, withdrawn.

Schedule agreed to.

Section 5 agreed to.

After section 5

The Convener: I call Paul Sweeney to move or not move amendment 26, which was debated with amendment 14.

Paul Sweeney: In the light of the Government's commitment to bring forward amendments at stage 3, I will not move amendment 26, but I reserve the right to bring the amendment back if those amendments are not sufficient.

Amendments 26 and 27 not moved.

The Convener: I call Pam Duncan-Glancy to move or not move amendment 28, which was already debated with amendment 17.

Pam Duncan-Glancy: On the basis of the cabinet secretary's commitment to report, I will not move the amendment.

Amendment 28 not moved.

Pam Duncan-Glancy: Similarly, I will not move amendment 29.

Amendment 29 not moved.

Pam Duncan-Glancy: I will not move amendment 30. I thank members for their support for that amendment.

Amendment 30 not moved.

Sections 6 and 7 agreed to.

Long title agreed to.

The Convener: That ends stage 2 consideration of the bill and concludes the meeting of the Committee of the Whole Parliament. I close this meeting. There will now be a very short suspension.

Meeting closed at 18:56.

18:57

On resuming—

Meeting of the Parliament

Business Motion

The Presiding Officer (Alison Johnstone):

The next item of business is consideration of business motion S6M-00473, in the name of George Adam, on behalf of the Parliamentary Bureau, setting out a business programme.

Motion moved,

That the Parliament agrees—

(a) the following programme of business—

Tuesday 31 August 2021

2.00 pm Time for Reflection

followed by Parliamentary Bureau Motions

followed by Topical Questions (if selected)

followed by First Minister's Statement: Programme for Government 2021-22

followed by Committee Announcements

followed by Business Motions

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

followed by Members' Business

Wednesday 1 September 2021

2.00 pm Parliamentary Bureau Motions

2.00 pm Portfolio Questions

followed by Scottish Government Debate: Programme for Government 2021-22

followed by Business Motions

followed by Parliamentary Bureau Motions

followed by Approval of SSIs (if required)

5.00 pm Decision Time

followed by Members' Business

Thursday 2 September 2021

11.40 am Parliamentary Bureau Motions

11.40 am General Questions

12.00 pm First Minister's Questions

followed by Members' Business

2.30 pm Parliamentary Bureau Motions

2.30 pm Portfolio Questions

followed by Scottish Government Debate: National Care Service

followed by Business Motions

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

Tuesday 7 September 2021

2.00 pm Time for Reflection
followed by Parliamentary Bureau Motions
followed by Topical Questions (if selected)
followed by Scottish Government Business
followed by Committee Announcements
followed by Business Motions
followed by Parliamentary Bureau Motions
 5.00 pm Decision Time
followed by Members' Business

Wednesday 8 September 2021

2.00 pm Parliamentary Bureau Motions
 2.00 pm Portfolio Questions
followed by Scottish Government Business
followed by Business Motions
followed by Parliamentary Bureau Motions
followed by Approval of SSIs (if required)
 5.00 pm Decision Time
followed by Members' Business

Thursday 9 September 2021

11.40 am Parliamentary Bureau Motions
 11.40 am General Questions
 12.00 pm First Minister's Questions
followed by Members' Business
 2.30 pm Parliamentary Bureau Motions
 2.30 pm Portfolio Questions
followed by Scottish Government Business
followed by Business Motions—[George Adam.]

Motion agreed to.

Parliamentary Bureau Motions

The Presiding Officer (Alison Johnstone): The next item of business is consideration of Parliamentary Bureau motion S6M-00474 on a temporary amendment to standing orders. I ask George Adam, on behalf of the Parliamentary Bureau, to speak to and move the motion.

18:58

The Minister for Parliamentary Business (George Adam): Motion S6M-00474 amends temporary standing order rule 3, to extend the period for which access to the public gallery is suspended until 9 October 2021. The motion was lodged to reflect the Scottish Parliamentary Corporate Body's decision on the matter, and members will wish to note that, should public health circumstances allow it, it would be possible to reinstate access to the gallery before that date.

I move,

That the Parliament agrees that, with effect from 30 June 2021, Temporary Standing Orders Rule 3 be amended—

(a) in paragraph 1 to delete "from the date of dissolution until either such time as the newly elected Parliamentary corporation has taken a decision on public access to the Parliament, Holyrood or 30 June 2021, whichever is the earlier" and insert "until 9 October 2021"

(b) in paragraph 2 to delete "those timescales" and insert "9 October 2021".—[George Adam.]

The Presiding Officer: The question on the motion will be put at decision time.

The next item of business is consideration of motions S6M-00476 S6M-00477 and S6M-00478 on approval of SSIs. I ask George Adam, on behalf of the Scottish Government, to speak to and move these motions.

18:59

George Adam: I rise, I hope for the last time, to move three Scottish statutory instruments. The first is the Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Amendment (No 26) Regulations 2021 (SSI 2021/227). These regulations amend the Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Regulations 2020 to allow the temporary removal of face coverings by a person receiving treatments around the mouth and nose. The individual providing the treatment must take appropriate mitigation measures to minimise exposure to coronavirus. Guidance will recommend that a type 2 or fluid resistant surgical mask and a face shield or goggles should be in place for the individual providing the treatment, as a mitigating measure.

The regulations also permit indoor organised activity in level 2 areas. That adjustment allows non-sporting organised activity to take place in level 2 areas for individuals of all ages. The changes recognise the social and wellbeing benefit that can be felt from attending such clubs and groups.

The regulations came into force on 31 May.

The Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Amendment (No 26) Regulations 2021 (SSI 2021/227) amend the Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Regulations 2020 to adjust the allocation of levels across Scotland. They move to level 2 the City of Glasgow and they move to level 1 Highland, Argyll and Bute, Aberdeen City, Aberdeenshire, Moray, Angus, Perth and Kinross, Fife, Falkirk, West Lothian, East Lothian, Inverclyde, West Dunbartonshire, Dumfries and Galloway, and the Borders. They move to level 0 the islands in the Highland area except the Isle of Skye, the Orkney Islands, the Shetland Islands, Na h-Eileanan Siar—I actually asked Dr Allan how to pronounce that, but I did so disastrously—the Isle of Coll, the Isle of Colonsay, the Isle of Erraid, the Isle of Gometra, the Isle of Iona, the Isle of Islay, the Isle of Jura, the Isle of Mull, the Isle of Oronsay, the Isle of Tiree, and the Isle of Ulva.

The regulations permit there to be no physical distancing when a person being married or entering a civil partnership is being accompanied from one part of a premises to the part of those premises where the marriage ceremony or civil partnership registration is taking place. This ensures that a party to the marriage or civil partnership can be accompanied down the aisle, or similar, by a family member or friend from another household, as is in line with many traditions.

The regulations adjust the existing exemptions to face covering requirements applying in respect of parties to be married or enter into a civil partnership, to the effect that the exemption also applies while they are being accompanied by other persons down the aisle, or similar.

The regulations also permit funfairs to open to the public in level 2 areas.

The regulations came into force on 5 June.

The final SSI is the Health Protection (Coronavirus) (International Travel) (Scotland) Amendment (No 12) Regulations 2021 (SSI 2021/230). These regulations make further amendments to the Health Protection (Coronavirus) (International Travel) (Scotland) Regulations 2020, which are amended to remove Portugal from the list of exempt countries,

territories and parts of countries or territories in part 1 of schedule A1 of the principal regulations. The regulations also add Afghanistan, Bahrain, Costa Rica, Egypt, Sri Lanka, Sudan, and Trinidad and Tobago to the list of acute-risk countries, territories and parts of countries or territories in schedule A2 of the principal regulations.

The regulations came into force on 8 June.

I move,

That the Parliament agrees that the Health Protection (Coronavirus) (International Travel) (Scotland) Amendment (No. 12) Regulations 2021 (SSI 2021/230) be approved.

That the Parliament agrees that the Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Amendment (No. 25) Regulations 2021 (SSI 2021/224) be approved.

That the Parliament agrees that the Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Amendment (No.26) Regulations 2021 (SSI 2021/227) be approved.

The Presiding Officer: The question on the motions will be put at decision time.

Decision Time

19:02

The Presiding Officer (Alison Johnstone): There are two questions to be put as a result of today's business. The first is, that motion S6M-00474, in the name of George Adam, on temporary amendment to standing orders, be agreed to.

Motion agreed to,

That the Parliament agrees that, with effect from 30 June 2021, Temporary Standing Orders Rule 3 be amended—

(a) in paragraph 1 to delete “from the date of dissolution until either such time as the newly elected Parliamentary corporation has taken a decision on public access to the Parliament, Holyrood or 30 June 2021, whichever is the earlier” and insert “until 9 October 2021

(b) in paragraph 2 to delete “those timescales” and insert “9 October 2021”.

The Presiding Officer: I propose to put a single question on the three Scottish statutory instrument motions, unless any member objects.

The final question is, that motions S6M-00476, S6M-00477 and S6M-00478, on approval of SSIs, be agreed to.

Motions agreed to,

That the Parliament agrees that the Health Protection (Coronavirus) (International Travel) (Scotland) Amendment (No. 12) Regulations 2021 (SSI 2021/230) be approved.

That the Parliament agrees that the Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Amendment (No. 25) Regulations 2021 (SSI 2021/224) be approved.

That the Parliament agrees that the Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Amendment (No.26) Regulations 2021 (SSI 2021/227) be approved.

The Presiding Officer: That concludes decision time.

National Gaelic Language Plan

The Deputy Presiding Officer (Annabelle Ewing): I remind members that social distancing measures are in place in the chamber and across the Holyrood campus. Members should take care to observe those measures and use only the aisles and walkways to access their seats and when moving around the chamber.

The final item of business is a members' business debate on motion S6M-00166, in the name of Alasdair Allan, on the national Gaelic plan 2023 to 2028. The debate will be concluded without any question being put.

Motion debated,

That the Parliament welcomes the launch of Bòrd na Gàidhlig's consultation events on the next National Gaelic Language Plan; understands that these plans provide strategic direction for the development of the Gaelic language; recognises what it believes is the precarious position that the language faces in the remaining vernacular communities in the Western Isles and elsewhere in Scotland; notes the publication in July 2020 of a comprehensive sociolinguistic study into the use of Gaelic in the vernacular-island communities; understands that this study, The Gaelic Crisis in the Vernacular Communities, concluded that the social use and transmission of Gaelic is at the point of collapse; notes the view that public policy could and should do more to support and protect the language; believes that developments over the next few years will be vital for its future, and notes the hopes that have been expressed calling for Members to use the forthcoming Scottish Languages Bill and other opportunities to play their part in supporting the Gaelic language.

19:09

Dr Alasdair Allan (Na h-Eileanan an Iar) (SNP): Tha tòrr math air a bhith a' tachairt ann an saoghal na Gàidhlig bhon àm 's gun deach Achd na Gàidhlig (Alba) 2005 a stèidheachadh leis a' Phàrlamaid seo. Tha BBC Alba againn; tha foghlam tro mheadhan na Gàidhlig air fàs; tha poileasaidhean Gàidhlig aig iomadach buidheann phoblach a-nis, agus tha àite na Gàidhlig ann an saoghal a' chultair agus nan ealan nas làidire. Tha Bòrd na Gàidhlig agus buidhnean eile ag obair dhan chànan agus—a' chuid as motha den tìde—tha aonta ann thairis air na pàrtaidhean gu bheil a' Ghàidhlig feumail agus cudromach do dh'Alba. Tha buidheann thar-phàrtaidh na Gàidhlig againn a' toirt misneachd a thaobh an aonta seo.

Ged a bhios mi-rùn an aghaidh na Gàidhlig a' nochdadh anns na meadhanan bho àm gu àm, tha na cunntasan-beachd a' sealltainn gu bheil taic nas làidire ann an Alba dhan Ghàidhlig an-diugh 's a bh' ann fichead bliadhna air ais. Tha e math gum bi sinn uile, mar Phàrlamaid, a' comharrachadh nan rudan matha seo. Aig an aon àm, tha e a cheart cho cudromach gum bi sinn ag aithneachadh nan trioblaidean cuideachd.

Tha taic den iomadach seòrsa cuideachail dha-rèabh dhan Ghàidhlig; ach cha dèan taic a' chùis na h-aonar. Feumaidh daoine a bhith a' bruidhinn na Gàidhlig cuideachd, agus tha sin a' ciallachadh àiteachan agus suidheachaidhean far a bheil e comasach a leithid a dhèanamh. Aig an aon àm 's gu bheil ùidh anns a' Ghàidhlig a' fàs, tha crìonadh cleachdaidh na Gàidhlig anns na sgìrean eileanach a' fàs nas miosa, tha mi gu math duilich a ràdh. Bha sin follaiseach bhon aithris aig Soillse, a bha a' toirt sùil air an t-suidheachadh anns na h-Eileanan an Iar, an t-Eilean Sgiathanaich agus Tìriodh. Leis an fhìrinn innse—bha na rudan sin follaiseach do mhuintir nan sgìrean sin co-dhiù.

Cha bhi mi a' dol a-rithist gu mionaideach tro na rudan anns an aithris mu dheidhinn staid na Gàidhlig am measg dhaoine òga anns na h-eileanan, no na beachdan a bha a' nochdadh anns na còmhraidhean coimhearsnachd a bha mise a' cumail às a dhèidh. Bha iad uile a' dearbhadh an fheum a th' air poileasaidhean Gàidhlig a tha nas freagarraiche airson nan coimhearsnachdan traidiseanta, agus ag aideachadh an diofair a th' ann, mar eisimpleir, eadar poileasaidh airson sgoil agus poileasaidh airson eilean. Tha mi toilichte gu bheil Bòrd na Gàidhlig ag aithneachadh nan rudan sin cuideachd, leis an oifigear a th' aca a-nis a tha ag obair gu sònraichte airson coimhearsnachdan eileanach.

Tha e gu math cudromach aig a' phuuing seo gun cuir mi cuideam air an dòigh 's gu bheil daoine a' cleachdadh na Gàidhlig air feadh na h-Alba. 'S ann le Alba gu lèir a tha a' Ghàidhlig – mar a tha ainmean-àite air cha mhòr a h-uile sgìre a' dearbhadh. Cha do dh'ionnsaich mise mo chuid Ghàidhlig anns na h-eileanan, ach ann an Glaschu. Tha coimhearsnachdan Gàidhlig beòthail anns na bailtean mòra, agus tha a h-uile coimhearsnachd Gàidhlig cudromach dhan chànan. Feumaidh sinn uile aithneachadh cuideachd, ge-tà, gum biodh e doirbh a ràdh gum biodh cànan sam bi ann an staid fhallain mur a biodh àiteachan ann far am biodh an cànan sin air a chleachdadh air an t-sràid no anns a' bhùth. Sin far a bheil an cunnart èiginneach ann, anns na h-eileanan.

Tha cothrom againn a-nis, leis a' phlana nàiseanta ùr againn, rudeigin a dhèanamh - a dhèanamh cinnteach nach eil brosnachadh na Gàidhlig dìreach mu dheidhinn cia mhead neach aig a bheil a' Ghàidhlig, ach cia mhead a tha ga cleachdadh. Feumaidh sinn a bhith soilleir. Chan urrainn do Bhòrd na Gàidhlig, no na sgoiltean Gàidhlig, Gàidhlig a shàbhaladh nan aonar, ge b' e cho math 's a tha an obair a tha iad uile a' dèanamh. Chan bhiodh e faidhear no reusanta an dleasdanas sin a chur orra.

Bidh daoine gu tric a' bruidhinn mu chosgais nan seirbheisean tro mheadhan na Gàidhlig. Tha

e inntinneach nach bi duine sam bith a' faighneachd mu dheidhinn cosgais nan seirbheisean poblach tro mheadhan na Beurla - no a' tuigsinn gur e sin a' chuid as motha de na seirbheisean a h-ann, eadhan anns na h-eileanan fhèin. Tha mi a' ciallachadh seirbheisean aig an roinn phoblaich, seirbheisean slàinte nam measg. Tha fhios agam dè bhiodh pàipear-naidheachd no dhà ag ràdh mu mo dheidhinn-se nam bithinn a' dèanamh a-mach an-diugh gur e an rud as cudromaiche a th' ann airson seirbheisean slàinte an-dràsta fhèin staid na Gàidhlig. Ach innsidh mi, anns an dol seachad, gun d' fhuair mise an jag Covid agamsa tro mheadhan na Gàidhlig, agus bha e a' còrdadh riumsa glan!

'S e rudeigin eile a tha mi a' ciallachadh. Tha cuimhne agamsa, greiseag air ais, a' bruidhinn ri cuideigin a bha na bhall air bòrd-slàinte, àiteigin ann an ceann a tuath na h-Alba. Thuirt e seo riumsa, anns a' chànan eile:

“Dìreach air sgàth 's gu bheil plana Gàidhlig againn mar bhòrd-slàinte, chan eil sin a' ciallachadh idir idir gu bheil am bòrd na phàirt ann an dòigh sam bith de na h-oidhirpean a tha daoine a' dèanamh gus a' Ghàidhlig a chumail beò.”

Tha cothrom againn le bile ùr mu chànanan na h-Alba beachdan mar sin a chur ceart, a' dèanamh soilleir gu bheil àite aig a h-uile buidheann phoblach anns an oidhirp sin, gu sònraichte anns na sgìrean far a bheil a' Ghàidhlig làidir fhathast. Sin Ghàidhlig a mhainstreamadh, mar a chanas iad. Ma tha am facal sin a' ciallachadh rud sam bidh, tha e a' ciallachadh gum bi sinn a' smaoinneachadh mar Phàrlamaid mu dheidhinn na buaidh a th' aig na poileasaidhean uile againn air staid na Gàidhlig—chan ann dìreach poileasaidhean mu chultar no foghlam, ach poileasaidhean air taigheadas, dreuchdan, agus an eaconamaidh sgìreil—agus gum bi sin a' smaoinneachadh, mar eisimpleir, mu dheidhinn na buaidh a th' aig na poileasaidhean sin air a' Ghàidhlig nuair a tha sin a' dèanamh measaidhean buaidh airson nan eilean.

Tha cothrom againn anns a' bhile ùr a bhith a' togail air an obair bho 2005, agus cuideachd rudeigin a dhèanamh airson Albais no Beurla-Ghallda – an cànan màithreil agamsa. Chan eil a' Ghàidhlig agus Albais air taobhan eadar dhealaichte bho chèile anns an t-strì aca. Tha làn thìde ann gun robh sin a' cur às dhan aineolas mu dheidhinn Albais, ge b' e a bheil na beachdan sin a nochdadh ann an foghlam, sna meadhanan no àite sam bith eile.

A' tighinn gu co-dhùnadh mar a tha mi, tha mi an dòchas gum bi a h-uile Ball Pàrlamaid, agus gu sònraichte na buill ùra, a' gabhail mòmaid a bhith ag ionnsachadh beagan bho na h-oifigearan Gàidhlig anns a' Phàrlamaid mun Ghàidhlig. Nach gabh sibh an cothrom rudeigin ionnsachadh mu dheidhinn rudeigin cho àlainn 's cho inntinneach

agus cho cugallach 's a chuala sibh—no nach cuala sibh fhathast 's dòcha—a-riamh nur beatha.

Following is the simultaneous interpretation:

Much good has happened in the world of Gaelic since Parliament passed the Gaelic Language (Scotland) Act 2005. We have BBC Alba, Gaelic medium education has grown, many public bodies have Gaelic language plans, and the place of Gaelic in culture and the arts is much stronger. Bòrd na Gàidhlig and other organisations work for the language. Most of the time, there is a consensus across the parties that Gaelic is important and useful to Scotland, and the cross-party group on Gaelic seeks to promote that consensus.

Although prejudice against Gaelic still rears its head from time to time in the media, opinion polls show that support for Gaelic is considerably stronger across Scotland now than it was 20 years ago. It is good for us to have an opportunity from time to time to celebrate those positive things, but it is just as important that we also recognise the problems.

Support of every type is hugely important to Gaelic but, on its own, support for or knowledge of the language is not enough. People need to use Gaelic, so we must have places and situations where doing so is possible. At the very time when interest in Gaelic is growing, I am sad to say that the use of the language in island communities has been declining further. That was obvious from the report that Soillse produced on the situation in the Western Isles, Skye and Tiree, although the decline was already clear to the people who live in those places.

I will not reiterate the details in the report about the state of Gaelic among young people or the opinions that emerged in the community conversations that I held afterwards. They all demonstrated the need for Gaelic policies that are more tailored to the needs of vernacular communities and which acknowledge the difference, for example, between planning for the language needs of a school and planning for those of an island. I am pleased to say that Bòrd na Gàidhlig recognises those issues and now has an officer with specific responsibility for island communities.

At this point, it is important that I stress the way that Gaelic is used across Scotland. Gaelic belongs to Scotland nationally, as place names in almost every area of the country bear witness. I learned my Gaelic not in the islands but in Glasgow. There are vibrant Gaelic communities in major cities, and every Gaelic community is vital to the future of the language. However, we must recognise that it would be difficult to say that any language was in a healthy state if there was no

place in which it could be heard on the street or in a shop. That is the urgent danger that threatens the islands.

With our new national Gaelic plan, we have an opportunity to make sure that the promotion of Gaelic is not just a question of how many people have Gaelic but of how many people use it. Bòrd na Gàidhlig and Gaelic schools cannot save Gaelic on their own; it would be unfair and unreasonable to shoulder them with such a responsibility.

People often discuss the cost of providing services in the medium of Gaelic but, interestingly, nobody ever seems to ask about the cost of providing public services through the medium of English, or to understand that, even in the islands, that is how the great majority of public sector services, such as health services, are delivered. I am well aware of what one or two newspapers would say about me if I were to suggest today that the most important thing for health services at this point might be the state of Gaelic, but I was very pleased to get my Covid jag through the medium of Gaelic, which I enjoyed immensely.

However, I recall that, a while ago, I was speaking to someone who was a member of a health board somewhere in the north of Scotland, and he said to me:

“Just because we have a Gaelic language plan as a health board, that does not at all mean that the board wishes to be associated in any way at all with the efforts that are being made in some quarters to keep the Gaelic language alive.”

With a new bill on Scotland's languages, we have an opportunity to put right anyone who still says things like that and to make clear that every public body has its part to play in such efforts, particularly in areas where Gaelic is still strong. That is to say, we need to mainstream Gaelic. If that word is to mean anything, it must mean that we as a Parliament think about the impact of all policies on the state of Gaelic—not just policies that deal with culture or education but policies on housing, jobs and the local economy—and that we consider, for example, the impact of policies on Gaelic when we are compiling impact assessments for the islands.

We have an opportunity with a new bill to build on the work of 2005 and to do something for Scots, which is my mother tongue. We should recognise that Scots and Gaelic pose no threat to each other but are faced by a common challenge. It is high time that we challenged displays of ignorance about the Scots language, whether they appear in the media, education or anywhere else.

In conclusion, I hope that every MSP, and especially the new ones, will take a moment to speak to the Parliament's Gaelic officers. Please take the opportunity to learn something about

Gaelic, which is as beautiful and interesting a thing as you have ever heard, or are perhaps yet to hear, in your life.

The Deputy Presiding Officer: Thank you, Dr Allan, and thank you to our interpreter.

19:16

Jenni Minto (Argyll and Bute) (SNP): Feasgar math. Tha mi a fuireach ann an Ilè, agus tha mi ag ionnsachadh Gàidhlig. Ron àm seo, bha mi ag obair ann an roinn Ghàidhlig a' BhBC airson faisg air fichead bliadhna.

Following is the simultaneous interpretation:

Good afternoon. I live on Islay and I am learning Gaelic. Before this, I worked in the Gaelic department of the BBC for almost 20 years.

The member continued in English.

I welcome the opportunity to speak in this debate on the national Gaelic language plan, and I thank my colleague Alasdair Allan for lodging the motion. My constituency of Argyll and Bute is the land of the Gaels and has the motto “Seas ar Coir”, or “Maintain our Right”, and that is exactly what the national Gaelic language plan and forthcoming Scottish language bill should do.

I grew up on the east coast of Scotland and was introduced to Gaelic by my hill-climbing father. Driesh, my first Munro, means the thorn bush or bramble, Cairn Gorm means the blue cairn and Ben-y Hone means the mossy hill. Neither of us had Gaelic, but the descriptive names of the hills and mountains that we climbed embedded in me a connection between landscape and language, as featured in the programme “Tir is Teanga”, which my colleague Alasdair starred in, if I remember correctly.

Throughout my almost 20 years at BBC Scotland, Gaelic was the constant thread. I supported Gaelic programme makers as they created a wealth of output for the audience, including “Dè a-nis?”, “Eòrpa”, “Coinneach MacIomhair” and coverage of Am Mòd. There were programmes on radio and television, giving Gaels of all ages a voice and giving Scotland programmes from a Gàidhealtachd perspective.

While at BBC Scotland, I learned about the rich array of Gaelic dialects across Scotland, and I have learned even more about that from living on Islay. The island is famous for its good whisky, or “uisge-beatha meth”, whereas on Lewis it would be “uisge-beatha math”. On Islay and in some other areas of the Gàidhealtachd, “a” is “e”. Mainland Argyll Gaelic is different again, but with similarities to Islay Gaelic. “Beul Chainnt” was a fantastic series that celebrated the variations

across the Gàidhealtachd. Those differences should be invested in, retained and supported.

The motion notes that Gaelic is in a “precarious position” in vernacular communities across Scotland. It is. In my home village of Port Sgioba, or Port Charlotte, very few houses in the old village are occupied as permanent homes. I know a number of young people who have moved away because of the difficulty in getting on to the housing ladder.

The Mull and Iona Community Trust has just built two family homes, which were hugely oversubscribed, and *The Oban Times* recently had a prominent article on the difficulty that local people, or incoming key workers, have in acquiring property. However, as Alasdair Allan said, Glasgow is looking at opening a third and fourth Gaelic school, while the Gaelic school in Inverness is full to capacity and Edinburgh is consulting on a new dedicated Gaelic school. No matter how much valuable work Bòrd na Gàidhlig does, it is working in an economic climate that, sadly, drives out young Gaels to the cities. That could be described as the economic clearances.

However, we have an opportunity to use Gaelic and other Scots languages as an economic stimulus. We should give our wealth of languages and dialects the Scotland-the-brand treatment to encourage folk to learn and use them—not only to eat local but to speak local.

Schools across Argyll and Bute are providing pathways for learners and fluent speakers. We need to encourage primary schools to teach Gaelic and to connect the older generations with the younger ones by using language as the glue.

Gaelic is one of Scotland's natural resources. The 2016 VisitScotland visitors survey found that, with no prior promotion, 34 per cent of respondents felt that Gaelic, as a national language, enhanced their visit to Scotland. VisitScotland has built on that lure of language for visitors and has launched its first Gaelic toolkit to help tourism businesses to develop their Gaelic offering.

I look forward to working with communities and other organisations to shape the next national Gaelic language plan to ensure that solutions across na Gàidhealtachd is nan Eilean are found in order to maintain the land, the language and the people—tir is teanga is daoine.

19:20

Donald Cameron (Highlands and Islands) (Con): I am very grateful to Alasdair Allan for securing the debate, especially this early in the new session of Parliament, which highlights the

urgent need to address many of the issues that he raised and that others will no doubt raise.

In the previous session, several MSPs, of all political stripes—Alasdair Allan, Rhoda Grant, John Finnie and others—were at the forefront of standing up for the Gaelic language and culture. I am sure that the new MSPs will be equally energetic—we have just heard from Jenni Minto, for example.

In the short time in which I have to speak, I want to highlight, first and foremost, that we are in an emergency situation. The Soillse report, which was referred to in the motion for last year's debate, made that clear. It made the powerful point that, although many people in the vernacular communities are able to speak Gaelic, they are not using it as much as we might expect, so there is no time to lose. I will return to that theme.

Recently, there has been a plethora of interesting proposals on Gaelic. I welcome the work of Bòrd na Gàidhlig in beginning its consultation on the next plan, and the on-going contributions of many other groups, including Fèisean nan Gàidheal, An Comunn Gàidhealach, MG Alba and Sabhal Mòr Ostaig. I repeat that we must act swiftly and effectively.

I am slightly nervous about setting up new organisations, agencies and institutions, not because of the laudable aims that are behind the formation of such bodies but, mainly, because of the time that it takes to consult on them and then set them up, given that we have so little time to lose.

As Alasdair Allan's motion notes, the Soillse report identified that

“the social use and transmission of Gaelic is at the point of collapse”,

with the number of Gaelic speakers having fallen considerably over time. That said, I note that several academics, including Professor Rob Dunbar and Professor Wilson McLeod, have commented that it is important to focus not only on the communities in the report that have about a quarter of Gaelic speakers but on other communities, too. Arthur Cormack, who is well known to many of us, states that there are many types of Gaelic communities beyond the vernacular communities. The point is that it is not about setting one type of Gaelic community against another; we have to address the needs of all communities.

One area that deserves focus is the media. Investment in Gaelic media should be improved. About £20 million is spent on Gaelic television and radio annually, and MG Alba has consistently argued for greater resources. In comparison, the total budget for the Welsh-speaking channel, S4C,

was just over £95 million last year. That is clearly an area that should be looked at. Scotland's Futures Forum reports that we must recognise that young people and children increasingly get their content from social media and streaming sites rather than from traditional media. The Government should also look at that as part of the wider media strategy.

There is cause for some optimism. We cannot forget the welcome growth of learner and first language Gaelic speakers in Scotland's urban areas, or the significant number of people who are learning Gaelic via apps such as Duolingo. There are many positive stories.

I was taken by the academics' view that one of the ways of enhancing spaces for the language to be used is through the creation of physical spaces such as the Gaelic language centres, which have an important role to play. In the longer term, it has been argued that the Gaelic Language (Scotland) Act 2005 could be strengthened and that the reforms that Alasdair Allan mentioned could be considered.

Above all, an economic revival will underpin a Gaelic revival. Jenni Minto made that point forcefully. We have to look at housing, health, local economies, connectivity, transport connections and so on.

Although there is a lot more that I would like to say, if there is one message that the new cabinet secretary takes away—I welcome her to her portfolio and her role in relation to Gaelic—it should be that the task of revitalising Gaelic is urgent and that there is no time to lose.

19:25

Rhoda Grant (Highlands and Islands) (Lab): Tapadh leibh, Oifigeir Riaghlaidh. Tha mi airson taing a thoirt do Alasdair Allan airson an deasbad seo a thogail. Thank you, Presiding Officer. I would like to thank Alasdair Allan for bringing forward the debate. Please excuse my poor Gaelic in my introduction.

The debate is timely, given the work that is taking place to consult on and draft the new national plan for Gaelic. Although there are disagreements about how we protect and increase Gaelic speaking in our communities, I believe that many of them stem from a real frustration regarding the decline of the language. That is not to say that the actions that are being taken are wrong, but there must be many more interventions at every level. There also has to be a step change in support. I ask all those who have an interest in promoting and protecting Gaelic to set aside their differences and endeavour their best to protect and grow the language.

We need an ambitious plan. I see colleagues in Wales regularly legislating on Welsh—reviewing, renewing and setting new and challenging targets—whereas in Scotland the Government seems to ignore and underfund. Bòrd na Gàidhlig has faced a real-terms cut of more than 30 per cent in its budget in the past decade. In the 22 years of this Parliament, we have legislated on Gaelic only once. In 15 years of Scottish National Party government, we have done nothing but cut funding.

The Government acts in a silo. It ignores the fact that Gaelic is dying because Gaelic-speaking communities are dying, and often at the Government's hand as it centralises jobs away from the vernacular communities. How many Gaelic-speaking families will be taken from the Western Isles by the ill-advised Scottish Government plan to centralise air traffic control in Inverness?

To survive, those communities need jobs and homes, as well as access to Gaelic education and the ability to use Gaelic in everyday life. The Scottish Government and its agencies must enable interaction to happen in Gaelic and ensure that it is the first language of interaction in the vernacular communities. They must expand those communities in line with investment in teaching the language. Road signs and branding are all good and well, but they do nothing to develop one more Gaelic speaker. In the Western Isles and the Gaelic-speaking areas in the west of Scotland, the Government must ensure that education and public interaction are in Gaelic. It must fund the Bòrd adequately to allow it to carry out its role, but it must also empower it to do that. A review and renewal of the Gaelic Language (Scotland) Act 2005 is urgently required to enable that to happen.

However, the development of Gaelic does not fall to the Bòrd alone. Councils, Government and agencies also need to step up and take leadership. If we do not, Gaelic will be lost as a language for daily communication. That has already happened in huge swathes of Scotland, leading to a loss of culture, history and heritage. We must remember that the history of the common people is handed down through stories, poetry and song, and all of that has been lost to the up-and-coming generation where the language has been lost. We need Gaelic in the classroom, but we also need it in the community.

I urge the Government to look to Wales—to look to its ambition and to equal it. We also need an overarching policy in order to empower communities to take the lead by funding them to lead that development. This is not a power struggle. We require everyone to do their bit to protect and expand the use of Gaelic. It was the language of Scotland, and of parts of northern

England, as well. Our aim and our ambition must be to reinstate Gaelic as a language at home, at work and at play—a language that has equal status to English.

The Deputy Presiding Officer: I call Ariane Burgess, who will make her first speech in our Parliament.

19:29

Ariane Burgess (Highlands and Islands) (Green): I thank Alasdair Allan for bringing to the chamber this important members' business debate on the national Gaelic language plan.

I am aware that this has been a long day but, as this is my first speech in the chamber as a recently elected MSP for the Highlands and Islands, I would like to take a few moments, if the Presiding Officer will allow me, to thank everyone who campaigned with me and voted for me, especially my partner, Eddy Coodee, who continues to support me as I find my way in my new role.

I also thank my predecessor, John Finnie, who was a champion for Gaelic and did good work in the chamber. Among his many activities, the one that stands out for me is that he secured equal protection from assault for the children of Scotland through his member's bill, which became an act in the previous session.

The past year has brought many challenges—none that we could have imagined—to our shores, and has brought to light fragility across our society. However, it has also brought out the best of the people across this country, including in the Highlands and Islands, and rekindled the community spirit that is still strong in the region. Neighbours have helped neighbours, and communities have found creative ways to ensure that everyone has been looked after. I look forward to meeting, working with and representing people from all parts of the region as their MSP and the Green spokesperson for communities, housing, land reform and rural affairs.

I declare an interest in the debate. I am a Gaelic learner and an aunt to a niece and a nephew who attend a Gaelic-medium school in Edinburgh.

This debate is close to my heart. My great-grandfather, who was from Edinburgh, was a Gaelic speaker, but I grew up without Gaelic. I got the message that the language had no use not so much from my family but from wider society. I now know that that is not the case. Like Jenni Minto, I experienced the landscape and the language together, and that the language opens the landscape for me. I will be as active as I can in this session to ensure that speakers, learners, educators and academics are given the support

that is required to move the language to a stronger footing.

A quarter of Gaelic speakers live in various Hebridean communities in the Highlands and Islands. Alasdair Allan's motion raises the grave concern of the precariousness of the language in those communities. The perspective that I want to bring to the debate is that, with the launch of Bòrd na Gàidhlig's consultation events on the national Gaelic language plan and a promised Scottish languages bill to be introduced in this session, we have a great opportunity to take the next steps to ensure that Gaelic has a future and that it will be heard hundreds of years from today. To do that, we must recognise that Gaelic is also vibrant in the Lowlands, where approximately half of Gaelic speakers live, and take an approach that supports the thriving of the language in all places in which people speak it or are learning it.

I am calling for a nuanced approach in which we need to see that Gaelic is Scotland's language and have the right funding supports in place and the right resources, as needed.

As a Gaelic learner, I have become part of a community of people from across Scotland and the world who take the role of learning seriously. Today, I heard from my Sabhal Mòr Ostaig course speaking partner, who is originally from Europe, that she plans to continue studying and that she hopes to find a place in a Gaelic-medium education school in Glasgow. Another person with whom I have been learning has decided to leave his stable career and take on learning Gaelic full time, because he wants to be a carrier of the language. A third person—a young American—hopes to find his way to Skye to study in-depth.

There is an outpouring of enthusiasm for and interest in Gaelic now, and we must find ways to make it easier for people of all ages to access it. My sense is that Gaelic is currently like a tiny, glowing ember in a fire and that we are at that moment—this is for those who light fires—in which we are not quite sure whether the ember will take or just go out. We must absolutely grab the opportunity with the new language plan and the Scottish languages bill that is to be introduced and fan the flames of the fire.

During the campaign, I learned that, although there is a lot of good work—we have heard about that from my colleagues in the chamber—and a lot of people are working to ensure Gaelic's future, it is very fragile and delicate. We need to support Gaelic across the country and make sure that we support people in the creation of place, because the issue is about not just the language, but the culture and the community. We have the power to support people in that way.

For example, in Edinburgh, the City of Edinburgh Council is considering the location for a new GME high school. In its manifesto, the Scottish National Party promised a centrally located site for that school, but the council has been considering a location that is not central. From my design and community work, I understand that where buildings are placed helps communities to grow. If we make travel difficult for people by locating the high school a long way away from the primary school, we will not create the potential for the fire that I mentioned. When building a fire, it is necessary to put the twigs together so that they catch fire and the flames spread. Therefore, we need to look at not only the education plans, but the location of the buildings and structures and how we can bring people together to create the community that underpins the language.

I look forward to working with my colleagues in the coming session to ensure that Gaelic flourishes and that our descendants will hear it and speak it for hundreds of years to come.

The Deputy Presiding Officer: I call Stuart McMillan, who joins us remotely.

19:36

Stuart McMillan (Greenock and Inverclyde) (SNP): I congratulate Dr Alasdair Allan on securing this important debate; I know that the issue of the Gaelic language is one that is close to his heart, as well as being vitally important for his constituency. I also thank the organisations that have provided briefings for today's debate.

I want to focus my remarks on a constituency issue that has arisen in the past few weeks. Inverclyde has a Gaelic-medium education unit at Whinhill primary school in Greenock. In the previous session, pupils and staff from the school came through to the Parliament to highlight the vast range of multilingual teaching that the school undertakes. The pupils were a credit to the school, to Inverclyde and to themselves.

For many years, pupils at Whinhill would have had placing requests made to the Glasgow Gaelic school for their secondary education. Those requests have always been granted, but a problem arose this year because of the continual growth in demand for Gaelic-medium education in Glasgow. Thankfully, however, the primary 7 Whinhill pupils will get their secondary education at the Glasgow Gaelic school.

As the letter from Professor Ó Giollagáin and Iain Caimbeul—I apologise for the pronunciations—from the University of the Highlands and Islands clearly described, the actions that were provided for in the Gaelic

Language (Scotland) Act 2005 have had positive outcomes. However, they say:

“the demand is now outstripping supply of experienced and competent teachers and an adequate Gaelic school infrastructure.”

I welcome the additional demand for primary school Gaelic education, which has increased by 79 per cent, and the additional demand for secondary school Gaelic education, which has increased by 48 per cent. I would like more young people to have that opportunity, but it is clear that the situation surrounding the transition to secondary school is now challenging.

I have had positive dialogue with Inverclyde Council and Glasgow City Council, and I thank them for that. I know that there is no quick solution. As someone who is a newcomer when it comes to raising an issue concerning the Gaelic language, I realise that there are many challenges surrounding the long-term future of the language. I also realise that not enough experienced and competent teachers are currently available, but it is clear that additional activity needs to be undertaken to resolve the situation.

I want to highlight two questions that I would like the cabinet secretary to consider. What action is the Scottish Government considering to aid local authorities with a tradition of primary Gaelic-medium education to help them to provide suitable secondary Gaelic-medium education if the demand from parents exists? If the demand from parents exists, will the Scottish Government help local authorities to provide secondary GME that covers multiple authorities, without the need for placing requests? In effect, that would involve something akin to a shared service agreement between authorities.

I accept that even if positive opportunities exist to address those two questions, the shortage of teachers that has been highlighted might still be prohibitive. Notwithstanding that, if local authorities were able to set up such an arrangement with Government assistance, it might help in the short to medium term to satisfy cross-boundary demand for secondary Gaelic-medium education.

I encourage anyone who has an interest to get involved with Bòrd na Gàidhlig's consultation on the next national Gaelic language plan. Although I do not speak Gaelic, I studied French and German at school and university, so I appreciate how important language provision is in ensuring that our country has the broadest possible outlook and opportunities for future generations.

Inverclyde also has a rich Gaelic history through the people and traditions that came to Inverclyde in the past, and I am keen to see those traditions continue for many generations to come.

Once again, I welcome the debate and thank Dr Allan for bringing it to the Parliament.

19:40

Sarah Boyack (Lothian) (Lab): I, too, congratulate Alasdair Allan on his success in securing a prized member's business slot. I agree that there is much to be proud of since the establishment of our Parliament in terms of the higher profile of the Gaelic language, of investment in Gaelic-medium education and of Gaelic broadcasting through Radio nan Gàidheal and BBC Alba.

As Alasdair Allan and other members have highlighted eloquently, last year's report was worrying because it concluded that without radical action Gaelic would be “dead within a decade”. Rhoda Grant and Jenni Minto made powerful speeches about the need for economic support in traditionally Gaelic communities. I thank the academics who have been in touch this week with their insights on what needs to be done now.

I want to focus on the consultation on the national Gaelic language plan, and to highlight the current challenge in Edinburgh with supporting Gaelic-medium education now and into the future. First, we need to ensure that we have enough Gaelic teachers so that GME can be delivered for all subjects, including maths and science. As Ariane Burgess said, the SNP election manifesto promised that there would be a new city centre school in Edinburgh. That caught people by surprise and cut right across current council plans for a new school at Liberton. Timing is critical, because parents need to know that there will be capacity for GME in the city in the future. The council is about to consult on its plans for a new GME school at Liberton, which will mean two separate schools being managed by two head teachers.

There is now a challenge because James Gillespie's high school has an issue with capacity, hence the council's plans to increase capacity in the short term at Darroch. It will therefore be interesting to hear from the cabinet secretary about the SNP manifesto proposal. Will it be dropped or promoted? What city centre site did the Government have in mind? Was it to be planned and funded centrally? It is crucial that we have the quality GME that our city needs, and that we support the Gaelic language right across Scotland.

I am glad that Alasdair Allan also mentioned Scots. I was going to apologise and ask whether I could sneak it in at the end of my speech. Oor Vyce campaigners do not want to divert attention from Alasdair Allan's Gaelic language debate, but they want to take the opportunity to talk about the need for the Scottish Government to do more in

the context of the proposed Scottish languages bill. Again, it would be helpful if the cabinet secretary would clarify what legislative measures the Government is considering on Scots, alongside the important work for supporting our Gaelic language.

19:43

The Cabinet Secretary for Education and Skills (Shirley-Anne Somerville): I thank Dr Allan for lodging the motion and I welcome the opportunity to conclude the debate. It is my first opportunity to do so within my new portfolio responsibilities, which include Gaelic and Scots. I also congratulate Ariane Burgess on her first speech to Parliament. I welcome her and am sure that her speech will be the first of many on this and other important subjects. I look forward to working and debating with her in the coming years.

At the outset of my speech, I indicate my support for the motion, particularly the aim that

“public policy could and should do more to support and protect“

the Gaelic language. As members are aware, the Scottish Government has never shied away from its responsibilities to promote and support Gaelic, which remains a priority for the Scottish Government. Our clear aim is to increase the numbers of people speaking, learning and using the Gaelic language in Scotland.

The national Gaelic language plan is an important document in support of the Gaelic language. It offers a framework for all public bodies to consider how their actions and policies impact on Gaelic language communities.

Support for the Gaelic language is not just a task for Government or Bòrd na Gàidhlig. I think that we all recognise that a wide range of bodies in many sectors can, and do, contribute to supporting Gaelic. That must and will continue, and we must encourage them to strengthen that work, if possible.

I offer the reassurance that we in the Government will play our part in the process. We have, as members have mentioned, an ambitious set of manifesto commitments; we will do more for Gaelic in Scotland as we make progress with those commitments. Among them is a commitment to explore the creation of a recognised Gàidhealtachd in order to raise levels of language competence and use in the home and the community. I look forward to working with members from all parties, and with people from much further afield, on the details of how to progress that.

We also recognise that help is needed to stem depopulation, so we will establish an islands bond, offering 100 bonds of up to £50,000 to young people and families to stay in or to move to islands that are threatened by depopulation. The bonds will support people to buy homes, start businesses and otherwise make their lives for the long term in those communities.

In addition, we will give local authorities the powers to manage the numbers of second homes in their area and will work with Community Land Scotland so that we can find the right land to deliver more housing in our rural areas.

Many members have quite rightly mentioned education; our commitments include a new strategic approach to Gaelic-medium education. That approach will deal with many issues, including the one that Stuart McMillan raised about the number of teachers who are available for Gaelic-medium education. Again, that is an issue on which I am keen to work with members from all parties, because they will have their own views about how best that can be progressed locally in their constituencies.

Sarah Boyack and Ariane Burgess mentioned Gaelic-medium education in Edinburgh. I understand that the City of Edinburgh Council is to consult on where a Gaelic-medium education high school might be sited. That is the right thing to do—the council is obliged to conduct a consultation. I am sure that it will hear strong representations from parents about their wishes on progressing that and other projects in the city. I look forward to working with the council in order to move forward with a school in Edinburgh that will allow the Gaelic language to flourish. That is an important commitment that we will continue to make to Edinburgh.

My predecessor as education secretary, the Deputy First Minister, launched and chaired the faster rate of progress initiative for Gaelic, which has brought together a number of bodies that support Gaelic in various sectors. I aim to continue the initiative and I look forward to building on that work.

Throughout Scotland, there has been significant investment in Gaelic projects, and island communities have participated and benefited from them. There is still potential for growth and development of Gaelic in island communities, so we must maintain momentum by supporting and building on the policies and projects that are in place when they are effective in achieving the outcomes that we want.

For the future of Gaelic, we need a strong focus, both on our towns and on our areas of low population. Many of the Gaelic initiatives that are in place are of equal benefit to urban and rural

environments and the two contexts often support each other. We also need to value both speakers and learners of Gaelic, as members have mentioned, and the contexts and the networks in which they use the language.

In areas of low population, we need to be exceptionally mindful that wider issues including employment, housing, infrastructure and the economy also make essential contributions to the Gaelic task. Members have quite rightly raised that issue today. That important emphasis features prominently in the faster rate of growth initiative.

There is no fixed blueprint for Gaelic. We all recognise that different situations have different needs, as has come across in members' contributions. We need to make sure that we are listening to all ages and that we are addressing the needs of Gaelic learners as well as those of Gaelic speakers in fluent communities.

Another point to remember is that any comparison with the past demonstrates good progress for Gaelic. More activity and more funding than ever for Gaelic are in place. Our task is to ensure that the projects that we put in place are effective and are increasing the number of people who are learning, speaking and using Gaelic.

An important point for us is that Gaelic development is not static—there is no status quo. Gaelic continues to be actively used in many sectors, and it is developing as new projects are put in place. We must ensure that we keep moving forward and building on the initiatives that exist. We in the Scottish Government will add to the valuable work that is being done, through the new commitments that I have mentioned and more.

We must all work together. The Gaelic world is too small for division, so we must collaborate and co-operate in order to achieve the progress that we want. Again, there are many fantastic examples of that being done. We are seeing collaborative working around early years support and for parents in Argyll and Bute, Comhairle nan Eilean Siar and Highland. That will go some way towards reversing Covid's impact on parental confidence.

The Scottish Government has also provided funding support to ensure that there are more Gaelic development officers in communities. Bòrd na Gàidhlig has invested in support for that network of officers.

In nine weeks, we will see the launch of SpeakGaelic—a project that aims to enable increased numbers of people to learn Gaelic and to motivate existing speakers to use the language and improve their abilities in it. The Scottish Government is proud to support MG Alba on that multiplatform project.

There is much to do and, as members have said, time is critical. Good initiatives are in place and I am happy to continue that work, but I recognise the calls from across Parliament to do more, to do it quickly and to ensure that we are supporting people who want to support the Gaelic language.

On that basis, I am happy to support the motion. I look forward to building on and adding to what we have in place to make further progress on Gaelic in Scotland. Importantly, because it is a new responsibility for me, I will do so by listening to and working with the communities that I will seek to represent, as I move forward with my work in the area.

The Deputy Presiding Officer: Thank you, cabinet secretary. That concludes the debate.

Meeting closed at 19:52.

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